



Sonam

**IN THE HIGH COURT OF BOMBAY AT GOA
APPEAL FROM ORDER NO. 13 OF 2026
WITH
MISC. CIVIL APPLICATION NO. 265 OF 2025**

NESTOR AUGUST FORTUNATO
GOMES AND 3 ORS ... APPELLANTS

Versus

ROSA MARIA LUCIA GOMES
AND 7 ORS. ... RESPONDENTS

Mr. Ryan Menezes, Advocate for the Appellants

Mr. L. Raghunandan, Advocate for Respondent Nos. 1, 2, 7
and 8 under Legal Aid Scheme.

CORAM:- VALMIKI MENEZES, J.

DATED :- 17TH APRIL 2026

ORAL ORDER:

1. Registry to waive office objections and register the matter.
2. This Appeal impugns order dated 26.09.2023 passed by the Civil Judge Junior Division at Margao in Inventory Proceeding No. 12/2017/D, dismissing three applications filed by the Appellants who are interested parties, of whom

Appellant No. 1 is Head of the Family and Appellant Nos. 2, 3 and 4, are interested party Nos. 5, 11 and 12 are interested parties. The applications which have been dismissed and the impugned order are following: application dated 25.08.2021 at Exhibit D-22, application dated 25.08.2021 at Exhibit D-23 and application dated 25.01.2023 at Exhibit D-34.

3. On perusal of the record, the following facts become clear.

(a) The original application to institute the Inventory Proceeding was filed on 16.01.2017, when the original Applicant has valued the estate of the deceased estate leaver Jose Honorato Gomes and his wife Maria Gomes at Rs. 1,00,000/-. On that basis, the Inventory Proceedings was filed before the Court of Civil Judge Senior Division whose pecuniary jurisdiction was up to the value of Rs. 25,00,000/-.

(b) Subsequently, after the Head of the Family was appointed, a fresh valuation of all assets, including the assets which were directed to be added to the List of Assets under Court orders, on the objections raised by Respondent Nos. 1, 2, 7 and 8 was valued at Rs. 86,66,904/-. This valuation is found in Memorandum of List of Assets dated 05.07.2018, which is found at Exhibit D-20; further thereto Memorandum of Valuation dated 20.01.2020 at Exhibit D-

19 was also placed before the Trial Court setting down the valuation of the estate at Rs. 86,66,904/-. The Final List of Assets was also filed by the learned Advocate for the Administrator on 13.02.2020, which is also at Exhibit D-20.

(c) Subsequent to these documents being filed before the Trial Court, the Trial Court recorded an order dated 28.01.2020 on Exhibit D-19, which is found at page 102 of the Paper Book, wherein, by consent of all the parties, valuation of the assets was accepted to be as per the initial list of assets. The initial list of assets dated 05.07.2018 followed by Memorandum filed at Exhibit D-19, which is dated 20.01.2020, thereby accepting the valuation to the estate to be Rs. 86,66,904/-.

Consequently, as on 23.01.2020, when the order of valuation was passed, the accepted value of the estate as on that date was Rs. 86,66,904/-, which placed the Inventory Proceeding beyond the pecuniary jurisdiction of the Civil Judge Junior Division. It was at that point that the Civil Judge Junior Division dealing with the matter who lacked pecuniary jurisdiction ought to have transferred the Inventory Proceeding to the court of the Senior Judge with unlimited pecuniary jurisdiction.

4. However, instead of taking this course, the Civil Judge proceeded to pass orders on the aforementioned three applications filed by the Head of the Family and other interested parties, which are at Exhibits D-22, D-23 and D-34. The Civil Judge Junior Division obviously lacked the pecuniary jurisdiction to deal with the matter as from 23.01.2023, and therefore on this count alone, since the Court inherently lacked pecuniary jurisdiction to proceed with the Inventory Proceeding, the impugned order dated 26.09.2023 must be set aside.

5. Since the impugned order is set aside, I proceed to clarify that the arguments of the Appellant, that the impugned order was passed only after hearing the parties on application at Exhibit D-34 and there was no hearing given on applications at Exhibit D-22 and Exhibit D-23, having not being adjudicated on this ground leaving it open to the Civil Judge Senior Division to whom the Inventory Proceeding is in the process of being allotted to decide all three applications afresh, and after hearing the parties.

6. For the aforesaid reasons, the impugned order dated 26.09.2023 is quashed and set aside. The Principal District Judge, South Goa, to whom a communication has been made by the Civil Judge Junior Division requesting the matter to be renumbered and re-allotted to the Court of Civil Judge Senior

Division, who shall proceed to reallocate the Inventory Proceeding to the Court of Civil Judge Senior Division preferably within two weeks from today. An authenticated copy of this order shall be placed before the Principal District Judge for further action.

7. On the Inventory Proceeding being placed before the Court of the Civil Judge Senior Division, the Court seized with the matter shall proceed to hear the applications at Exhibits D-22, D-23 and D-34 and dispose of the same within a period of three months thereafter. All contentions of the parties are left open. The Court, now taking the decision, shall render its decision without being influenced by any observations that have been made herein or the ground that may have been taken in this Appeal from Order.

8. In view of the disposal of the present Appeal from Order, MCA No. 265/2025 also stands disposed of.

9. The parties shall appear on 16.06.2026 at 10.00 am before the Court of Civil Judge Senior Division to which the Inventory Proceeding is allotted by the Principal District Judge.

VALMIKI MENEZES, J.