Meena

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO.15 OF 2025

Vassudev Yesso Naik and Another ... Appellants

v/s.

Shripad Yesso Naik and other ... Respondents

Mr. Ashwin Ramani, Advocate for the Appellants.

Mr. S.D. Lotlikar, Senior Advocate with Neelam Patil, Advocate for the Respondent Nos. 1, 19 and 20.

Mr. V.P. Thali, Mr. Rashik Borkar and Rajedeep Prabhugaonkar, Advocate for Respondent Nos. 2 to 7.

CORAM: VALMIKI MENEZES, J.

DATED: 30th April 2026.

ORAL ORDER:

1. The Appellant challenges the order dated 03.11.2025 passed by the Civil Judge Senior Division at Panaji in inventory preceding No.14/1999, A Court. The impugned order dismisses the Appellant's two applications dated 13.01.2025 at Exh. D-124 and D-125 of the file of the trial Court seeking setting aside of the auction conducted by the Court of two assets of the estate leaver and for directing the Head of Family to file a fresh list of assets, which are immovable properties and

subject matter of the auction, for describing the assets at Item No.II(c) and II(d) in terms of Article 399 of the Goa Succession Act.

2. The Inventory proceeding was initiated for allotment of the estate of Yesso Naik way back in the year 1999. In the list of assets filed in the year 2000, amongst other assets, two properties under item No.II(c) and II(d) were listed as part of the assets of the estate leaver; objections were filed by the Appellant to the said list of assets on 04.07.2000, which came to be rejected. There was no challenge to the order rejecting the objections.

3. Subsequently, the inventory Court appointed the registered Valuer to inspect the immovable properties and to place before it the valuation report. On inspection of the properties, the Valuer has submitted a report to the Court, which is dated 17.12.2019, in which item no.II(c) was valued at Rs.1, since it was a dilapidated house, whilst item no.II(d) was valued at Rs.1 for the same reason. The property i.e. the open land on which these two houses stand i.e. item Nos.II(c) and II(d) was valued by the Valuer at Rs.3,35,666.50, which is under Survey No.114 of village Durbhat. Even though the valuation report was presented to the Court, the appellant did not file any objections, even though he was present during the inspection for the purpose of valuation, at least with respect to item Nos.II(c) and II(d) is concerned. Ultimately, the Court put these assets for auction on 04.06.2022, when the auction commenced, and the auction continued for over a year and was ultimately concluded on 24.11.2023, when the Appellant was declared the highest bidder for the assets under item no.II(c) for the amount of Rs.79lakhs and the assets under item No.II(d) for the amount of Rs.13.05 lakhs.

4. Subsequent to the auction, a scheme of partition came to be filed before the trial Court on 15.12.2023 under Exh.D-100 to which the Appellant had no objection, and a final list of assets came to be filed on 22.11.2024. A final scheme of partition/allotment was also filed before the inventory Court on 28.11.2024 under Exh.D-113, to which there was no objection raised by the Appellant.

5. It is only on 13.01.2025, that the Appellant filed the aforementioned two applications at Exh.D-124 and D-125, raising objections to the initial description of the properties at item No.II(c) and II(d) after having taken these very properties for auction. The Appellant has till date also not deposited any of the auction price of the two properties.

6. The main contentions raised by Mr. Ramani on behalf of the Appellant is that, on the perusal of the title documents of the aforementioned two properties, the properties did not actually belong to the estate of Yesso Naik but belonged to Bicaro Naik; he submits that if these properties belonging to the assets of the Bicaro Naik, the father of Yesso Naik, Yesso Naik would not be the sole owner of the properties on succession because Bicaro Naik had several other children who would also have a right in the estate. According to the learned Counsel, the original description of these two items is therefore erroneous, as Yesso Naik at most, only has a fraction of a right in the entire estate and therefore specific properties could not have been listed as part of the estate. This position has been factually disputed by Respondent Nos.2 to 7 and the Head of Family before the trial Court.

7. Be that as it may, the main question that needs to be answered is, having allowed the inventory proceeding to proceed from the stage of initial objections raised, to the list of assets in the year 2000, till the completion of the auction in the year 2022, where the Appellant himself was the highest bidder after the auction took more than a year, he should be allowed to now contest the inventory proceeding by relegating the entire proceeding back to the stage of description of the assets. In my opinion, on the very conduct demonstrated by the Appellant, the trial Court was absolutely right in dismissing the applications at Exh.D-124 and D-125. Obviously, the Appellant now has changed his mind, and either feels that he is unable to deposit the auction price, or, if he is convinced about his contention on the title, he feels that the title of the two assets i.e. Item Nos. II(c) and II(d) may be imperfect. On either counts, objection cannot be sustained at the fag end of the inventory proceeding, where all that is left to be done is for the final chart of partition to receive the status of a decree/promulgation by the inventory Court by the Appellant depositing the auction price.

8. Apart from these factors, even assuming for a moment, without entering into the issue of the title of the Yesso Naik to the suit property, as to the items No.II(c) and II(d), as contended by the Appellant, it is not the Appellant, who could claim to be affected by having taken properties in action, but at most it would be the purported co-owners who may claim the property on the basis of the title derived from Bicaro Naik. This may at most be the position if the purported co-owners' claim to the estate of Bicaro Naik, was sustained. At present, no such person has come forward to object to the inventory proceeding or filed

any suit to claim any right in these properties. Even on this count, the appellant would not have any right to raise these issues after having participated in the auction.

9. For these reasons, the appeal is dismissed, and the impugned order dated 03.11.2025 stands confirmed. Considering that the inventory proceedings are of the year 1999, the inventory Court shall now proceed to dispose of the inventory proceeding in an expeditious manner, considering that the draft chart of partition has now been filed before the Court on 06.01.2025 at Exh.D-120 of its file. The inventory proceeding shall be disposed of by 30.06.2026.

10. No costs.

VALMIKI MENEZES, J.

30th April, 2026