

# IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 625 OF 2006

PROF. MARIA ELSA NORONHA WOLFANGO ....Petitioner  
DE SILVA (DECEASED) THROUGH HER  
LEGAL HEIR MR. ANTONIO SEQUEIRA

Versus

MRS. RICARDINA EMILIA GUEDES DE ....Respondents  
ALMEIDA DE SILVA NORONHA  
(DECEASED) THROUGH HIS LEGAL HEIRS  
AND ORS

Mr. S. K. Kakodker, Sr. Advocate with Mr. Joel D' Souza, Advocate for the Petitioner.

Ms. P. Kamat, Advocate for Respondent nos. 1(b), 2, 3, 6 & 7, LR's of R.no. 4 & 5 (a, b, & i).

Coram:- J. N. PATEL, J.

Date:- 27th December, 2006

P.C.

Heard.

2. The petitioner/original plaintiff has taken exception to the Order dated 20.12.2006, passed by the Trial Court. It is the contention of the plaintiff that the issues have not been properly framed in the matter and it would prejudice the case of the plaintiff and, therefore, the issues deserve to be re-framed/re-casted as per the draft issues submitted.

3. This is a Supreme Court expedited matter. The whole controversy rests on the interpretation of the Will through which the parties are claiming their respective rights. This Court finds that though according to the plaintiff the issues framed by the trial Court are not happily worded, this may not be a reason for this Court to interfere in the matter. The parties can proceed to lead their respective evidence as it will not be

proper for this Court to interfere in the exercise of its writ jurisdiction at this stage. Parties are well aware of the lis between them. Therefore, there is no merit in the petition and the same is dismissed.

Expedite authenticated copy.

J. N. PATEL, J.

arp/\*