

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITIONS NO.563 & 677 OF 2010.****WRIT PETITION NO.563 OF 2010.**

1. Shri Pradeep Yeshwant Alve,
resident of Flat No.G-17, V3,
Lourenco Plaza,
Borda, Salcete, Goa.

2. Smt. Rekha Pradeep Alve,
Teacher, resident of Flat No.G 17,
Lourenco Plaza,
Borda, Salcete, Goa.

3. Shri Gajanan Ramnath Alve,
Flat No. E G-10, Janata Housing
Co-operative Society,
Behind Babu Naik Bungalow,
Aquem Alto, Margao, Goa.

4. Smt. Meena Gajanan Alve,
Flat No. E G-19, Janata Housing
Co-operative Society,
Behind Babu Naik Bungalow,
Aquem Alto, Margao, Goa.

..... Petitioners.

V/s.

1. Shri Gokuldas Ramnath Alve;

2. Smt. Nayan Gokuldas Alave
Behind Bank of India,
Fatorda;

3. Shri Ajit R. Alve;
resident of H.No.22D,

Opposite Indian Bank,
Opposite Laximi Lodging,
Old Railway Station,
Margao;

4. Smt. Manik Laximikant Alve;
House No. not known,
Housing Board Colony,
Gogol Margao Goa;

5. Shri Siddesh Laximikant Alve,
house no. not known,
Housing Board Colony,
Gogol, Margao Goa;

6. Shri Milind Laximan Natekar,
widower of Kum. Varsha
Laximikant Alve, Resident of
Hillrock Housing Complex,
Ribandar, Ilhas;

7. Kum. Savi Miling Natekar,
aged about 6 years,
Resident of Hillrock
Housing Complex,
Ribandar, Ilhas; represented
by her lawful guardian
the respondent no.6,
Milind Laximan Natekar;

8. Shri Mangaldas Yeshwant Alve;
Ajit Alve Chawl,
Dicarpale, Salcete, Goa;

9. Priya Laxmikant Alve alias
Priya Krishnakant Pangam;

10. Shri Krishnakant Sakaram Pangam,
both resident of Flat No.44/G,
near Ashirwad Printing Press,
Santa Cruz, Bastora, Goa;

11. Shri Damodar Ramnath Alve;
House No.10-A, Aquem Baixo,
Navelim, Salcete, Goa.

12. Sancia Sequeira Alve,
House No.10-A,
Aquem Baixo,
Navelim, Salcete, Goa.

..... Respondents.

Mr. Y.V. Nadkarni, Advocate for the petitioners.

Mr. J.P. Mulgaonkar, Advocate for respondents No.1 to 5, & 8 to 10.

Mr. V.A. Lawande, Advocate for respondents No.11 and 12.

WRIT PETITION NO. 677 OF 2010.

Shri Damodar Ramnath Alve;
House No.10-A, Aquem Baixo,
Navelim, Salcete, Goa.

..... Petitioner.

V.s

1. Shri Gokuldas Ramnath Alve;

2. Smt. Nayan Gokuldas Alave
Both r/o. behind Bank of India,
Fatorda, Margao, Goa.

3. Shri Ajit R. Alve;
resident of H.No.22D,

Opp.Indian Bank,
Opp. Laximi Lodging,
Old Railway Station,
Margao, Goa.

4. Smt. Manik Laximikant Alve;
House Housing Board Colony,
Gogol, Margao Goa;

5. Shri Siddesh Laximikant Alve,
house no. not known,
Housing Board Colony,
Gogol, Margao Goa;

6. Shri Milind Laximan Natekar,
Resident of Hillrock Housing Complex,
Ribandar, Ilhas, Goa;

7. Kum. Savi Milind Natekar,
aged about 6 years,
Resident of Hillrock Housing Complex,
Ribandar, Ilhas; Goa represented herein
by her natural guardian
Shri Milind Laximan Natekar;

8. Shri Mangaldas Yeshwant Alve;
r/o. Ajit Alve Chawl,
Dicarpale, Salcete, Goa;

9. Priya Laxmikant Alve alias
Priya Krishnakant Pangam;

10. Shri Krishnakant Sakaram Pangam,
both resident of Flat No.44/G,
near Ashirwad Printing Press,
Santa Cruz, Bastora, Goa;

11. Shri Pradeep Yeshwant Alve,
resident of Flat No.G-17, V3,
Lourenco Plaza,
Borda, Salcete, Goa.

12. Shri Gajanan Ramnath Alve,
Flat No. E G-10, Janata Housing
Co-operative Society,
Behind Babu Naik Bungalow,
Aquem Alto, Margao, Goa.

..... Respondents.

Mr. V. A. Lawande, Advocate for the petitioner.

Mr. J. P. Mulgaonkar, Advocate for respondents No. 1, 3, 5 and 8.

Mr. Y. V. Nadkarni, Advocate for respondents No.11 and 12.

CORAM :- A.P. LAVANDE, J.

Date :- 28th February, 2011.

ORAL ORDER :

In both these petitions, the petitioners challenge the Judgment and Order dated 29th April, 2010, passed by District Judge-4, South Goa, Margao in Misc. Civil Appeal No.62/2009/IV, by which the learned District Judge set aside the order dated 17th July, 2009 passed by the learned Civil Judge, Sr. Division, Margao in Inventory

Proceedings No.18910/75/A.

2. By the impugned Judgment and Order, the learned District Judge has ordered auction to be held of item No.2 and 2/10th of item No.3.

3. The learned Counsel appearing for all the parties submitted that the parties would have no objection if a fresh auction is held of item No.2 and item No.3, instead of auction of 2/10th of item No.3.

4. In view of the consent given by all the parties, the impugned order dated 29th April, 2010 is set aside and the Inventory Court is directed to hold a fresh auction in respect of item No.2 and item No.3. Needless to mention that the auction already held in respect of item No.3 pursuant to the order passed by the Inventory Court is set aside.

5. Both the petitions stand disposed of accordingly, with no order as to costs.

A.P. LAVANDE, J.

ssm.