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20/5/26

Exbt-D-3

IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, AT PANAJI, GOA

MISC. CIVIL APPEAL NO. 43/2026

1. MR. PURUSHOTTAM MAHADEV

DABOLKAR alias Purxotoma Madeva

Dabolcar, Son of Mahadev Dabolkar,

Aged around 80years, Agriculturist,

Resident of Naikwada, Mandrem,

Pernem, Goa (since deceased)

Through his Daughter and Legal Heir :

1.a. MS. SUDHA PURUSHOTTAM

DABHOLKAR, Daughter of Purushottam

Dabholkar, major aged 52 , married,

service, Indian National, r/o. Naik Wada,

Mandrem, Pernem, Goa .

... **APPELLANTS**

V/s

1 ~~1A~~ **LATE KASHIRAM SADU MHAMAL,**

2 ~~1B~~ **LATE GOPIKI KASHIRAM MHAMAL,**

Both hailed from H.No. 32, Askawada,

⌘ Mandrem, Pernem, Goa. (Since deceased)

3 ~~2~~ **SHRI SADU KASHIRAM MHAMAL**

S/o Late Kashiram Sadu Mhamal ,

Sumit

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Major aged 63 , married , Landlord ,
Indian National , R/o H.No. 32, Askawada,
Mandrem, Goa.



4. **MS. BHARATI PURUXOTAMA DABOLCAR**

ALIAS MRS. BHARATI SUBACHA NAIQUE

Wife of Subhash Naik, Aged around 61 years,
married, Housewife, Indian National,
Resident of Mandrem, Pernem Goa.

5. **MS. ASHA PURUSHOTTAM**
DABOLKAR @ MRS. ASHA DILIP

PALANI , Wife of Dilip Palani,
Aged around 54 years,
Resident of Palani wada, Parcem,
Pernem Goa.

6. **MS. NISHA PURUSHOTTAM**
DABHOLKAR @ ARCHI ARVIND
TALAVANEKAR, major aged 51 ,
married, Housewife, Indian National,
R/o. Devso, Korgao, Pernem Goa.



7. **MS. DNYANILATA PURUSHOTTAM**
DABHOLKAR, major aged 47 , Unmarried,

Samuel

Service, Indian National, R/o. Naik Wada,
Mandrem, Pernem, Goa.

h 83 **MR. KRISHNA PURUSHOTTAM**

DABHOLKAR, major aged 45 ,
Unmarried, Service, Indian National,
R/o. Naik Wada, Mandrem, Pernem, Goa. **...RESPONDENTS**

APPLICATION FOR STAY

MAY IT PLEASE YOUR HONOUR ,

The Appellant begs to state and submit as under :

1. That the Appellant has on this day preferred as appeal against the Order dated 30.4.2026 made in Inventory Proceedings No. 26/2016, hereinafter referred to as the **"Impugned Order"** made by the Civil Judge Junior Division at Pernem, herein after referred to as the **"Learned Judge"** in terms whereof the Learned Judge has rejected the Intervention application filed by Shri Purushottam Mahadev Dabholkar .



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2. That the application filed by the said Intervenor is at Pages 3 and 4 of the set of Impugned Order and is marked as D-14 .

3. That the Intervenor expired on 25.12.2019 and the matter was conducted without bringing on record the heirs of the Intervenor .

4. That the Death Certificate of the Intervenor was placed on record . However inspite of that the matter was proceeded with , without amending/modifying the said application as a result of which the Order as made is against a dead person .

5. That the Learned Civil Judge also has considered the evidence and held that the Intervenor has not produced certain documents and that the Intervenor has not examined certain witnesses , without appreciating the death Certificate indicating the demise of the Intervenor long back in the year 2019 .

6. That in case the application was dismissed holding that the Intervenor has deceased , a fresh application could have been filed by the heirs .



Shree

7. That even otherwise the Learned Civil Judge has not properly appreciated the documents on record and made the impugned Order dismissing the Intervention application .

8. That the Ld. Civil Judge ought to have carefully examined the entire matter in as much as the dismissal amounted to ousting the entitlement of the Intervenor to the estate of the deceased .

9. That with the dismissal of the intervention application , the matter is now to proceed for the allotment of the estate of the deceased in the absence of the Intervenor and his heirs .

10. That consequently , the matter has far reaching consequences and it is therefore necessary that in the interest of justice the Inventory Proceedings No. 26/2016, before the Civil Judge Junior Division at Pernem, be stayed , pending the hearing and final disposal of this Appeal .

11. That the Appellant has not received any caveat .

12. That it is therefore fit and proper that pending the hearing and Final disposal of this Appeal , the impugned Order dated 30.4.2016 be stayed .

13. That it is therefore prayed :



(34)

A) That pending the hearing and final disposal of the Appeal ,
the impugned Order dated 30.04.2026 made by the Civil
Judge Junior Division at Pernem made in Inventory
Proceedings No. 26/2016 ne stayed .

B) For an ex-parte relief in terms of prayer (b) be made.

C) For any other Order deemed fit and proper in the
circumstances .

Panaaji , Goa

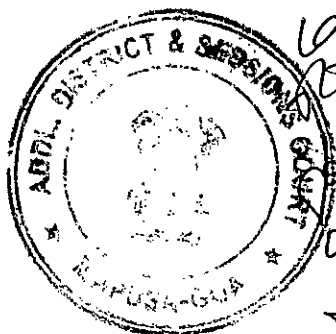
20.05.2026

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APPELLANT No. 1 (a)

Seals
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Advocate for Appellants

(Adv. S. Verekar)



Order
Heard Ld. Adv. Ms. S. Verekar and Ld.
Adv. Mr. B. Thali. Ld. Advocates
submit that matter is posted before
the Inventory Court on 6/6/26.
Ld. Adv. for Applicant pray for
Ld. Adv. Mr. B. Thali
May No. 3 submit that on 6/6/26
06/6/2026, he will not pass
an Order from Inventory Court
and refer the Inv. Court to
def the hearing till July, 2026.
His statement is accepted.

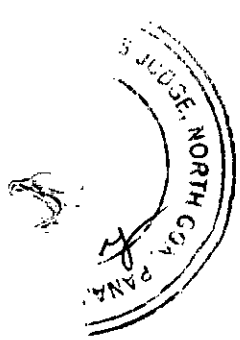
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03/6/26
D.O., Pernem

AFFIDAVIT

I, **MS. SUDHA P. DABHOLKAR**, D/o. Purushottam Dabholkar, major aged 52, married, service, Indian National, r/o. Naik Wada, Mandrem, Pernem, Goa, do hereby solemnly affirm and state as under:-

1. I say that I am the Appellant no. 1 in the above-mentioned case and am fully conversant with the facts and circumstances of the case, and as such, am competent to swear this affidavit.
2. I say that the Intervention Application was filed by my father i.e. Purushottam M. Dabholkar, who has expired on 25.12.2019, which fact was also brought on record. However, no application was filed to modify the intervention application to bring the Legal Heirs on record.
3. I further state that inspite of placing the death certificate on record the Ld. Judge proceeded with the matter and dismissed the Application for Intervention.



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4. I also say that since the Intervention Application has been dismissed the Hon'ble Court may now also dispose of the Inventory proceedings, which so if happens I along with my other siblings which are Respondent No. 3 to 7 will suffer irreparable loss and injury which cannot be compensated in terms of money.
5. I say that the accompanying Application for Stay has been drafted by my counsel under my instructions.
6. I say that the contents of the application are true and correct to the best of my personal knowledge and belief.
7. I say that the contents of the accompanying application may be read as part and parcel of this affidavit for the sake of brevity.

Solemnly affirmed at Panaji)

On this 20th May 2026 .)

Suresh

Deponent

Identified by me

S. Venekar

Advocate S. Venekar



Solemnly affirmed before me by

Shri/Smt *Sudha P. Dabholkar*
who is identified by Adv. *S. Venekar*
whom I know personally.

Panaji

S. D. D.
20/5/2026
Superintendent
District and Sessions Court
Panaji-Goa