



CNR No.GASG060013222011

Regular Inventory Proceedings No. 21/2011/A

ORDER BELOW EXHIBIT D-180

(Delivered on this 10th day of the month August of the year 2026)

This Order shall dispose of an application at Exhibit D-180 filed by the interested party No. 9(c) for correction of area of Item No. 13 (being part un-partitioned survey No. 50/4).

2. It is the case of interested party No. 9(c) that the item listed at Item No.13 is erroneously described as measuring 10,000 sq.mts, whereas, as per survey by Mr. Balkrishna Naik, the area is 4153 sq. mts. and it is therefore prayed that the area of said Item No.13 needs to be corrected by appointing fresh surveyor from Directorate of Settlement & Land Records to conduct the survey.

3. The present application was objected by the interested party No. 1(c) on the ground that interested party Mr. Jacinto de Quadros and his siblings namely Mr. Jacinto Agnelo Quadros, and the current Head of the Family Mrs. Maria Socorro Idalina Severina

Colaco, remained silent at the time the Regular Inventory was started in the year 2011 and for the subsequent eight years, that the Item No. 13 in the list of Assets was described as measuring 10,000 sq. mts. and they did not raise any objection that there were mistakes committed earlier or that the resulting distribution would be mathematically and legally flawed.

4. It is further stated that all issues relating to the difference in area and survey numbers was to be objected after filing the List of Assets which was overlooked by the then CC and the interested parties Mr. Jacinto de Quadros and his siblings namely Mr. Jacinto Agnelo Quadros, and the current Head of the Family Mrs. Maria Socorro Idalina Severina Colaco and that at the time of filing of the List of Assets, the Head of the Family was duty bound to produce the title documents including the description – inscription and or matriz documents.

5. It is further contended that the List of Assets submitted by then Cabeça da Casal was confirmed by the Court after deciding the objections and that the Court then appointed valuer Mr. Bharat

Kamat and that the valuer submitted his Valuation Report and the office of the Court then drew Description of Assets as per the law.

6. It is further contented that the Private Surveyor Mr. Balkrishna Naik is not appointed by the Court and that the purported report of the area of Item No. 13 surveyed by Mr. Balkrishna Naik at 4153 sq. mts. cannot be considered.

7. It is further stated that the similar application was earlier filed by the interested party No. 9(c) which have been rejected and dismissed and one occasion was also dismissed with cost and thus specifically pointed to the Orders dated 10.10.2019 and 17.08.2021 and that there is no scope raising the same issue for the third time. It is further contended that present application is barred by the principle of res judicata and is therefore liable to be dismissed with exemplary costs to deter the other interested parties in the camp of interested party No. 9(c) from repeating the mischievous exercise. Hence, prayed that application be dismissed with heavy and exemplary costs.

8. The interested party No. 8 and 8(b) in reply at Exhibit D-183 stated that the present application is baseless, frivolous and

unattainable in law and that the list of assets was finalized more than a decade ago and cannot be reopened at the a belated stated when the matter is fixed for Scheme of Partition. Hence, prayed that application be rejected with heavy costs.

9. Perused records of the file. Heard Ld. Advocates for the parties.

10. Here, it is seen that there were two such similar application filed by the same very interested party No. 9(c) at Exhibit D-102 and Exhibit D-129, which came to be heard and decided on merits vide order dated 10.10.2019 and 17.08.2021 respectively.

11. So also as seen that the Predecessor of this Court has given reasons for passing the Order dated 10.10.2019 and 17.08.2021, and in view of the same the present application cannot be considered as the same would tantamount to sitting in an Appeal over the said Order, which power is not available to the Inventory Court.

12. Hence, in said situation the interested party 9(c) having not challenged the said Orders has not made any case seeking re-agitating the same issue again when it is already decided by the predecessor of this Court.

13. Hence, having not challenged the said orders the interested party No. 9(c) has not made any case for this Court to entertain the interested party to re-agitate the same application when earlier at two occasions the same were rejected by the predecessor of this Court as entertaining such application would amount to this Court seating in Appeal over the said Orders which powers are not vested on this Court.

14. Hence, for the reasons stated above, I proceed to pass the following ;

ORDER

The application at Exhibit D-180 is rejected.

Pronounced in Open Court.

(Manisha M. S. Parkar @ Narvekar)
Ad-hoc Civil Judge, Senior Division,
'A' Court, Vasco, Goa.

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