



Received on : 07.10.2022

Registered on: 11.10.2022

Decided on : 27.10.2023

Duration : D M Y

17 - 1

IN THE COURT OF THE CIVIL JUDGE, SENIOR DIVISION,
AT MARGAO, GOA.

(Before Mr. Carlo Santana da Silva, SCJ, Margao, Goa)

CNR : GASGo20032042022

Regular Inventory Proceedings no. 372/2022/A

IN THE MATTER OF INHERITANCE OF LATE JOSE PEDRO
FERNANDES AND HIS WIFE, LATE ESTELA BARBOSA ALIAS
ESTHAELA BARBOZA AND VINCENTINHO FERNANDES, ALL
R/O H. NO. 195, IGREJEBHAT, CHANDOR, SALCETE, GOA AND

LATE BRAZ D'SILVA R/O H. NO. 473/A, PULVADDO, BENAULIM,
SALCETE, GOA.

1. Mrs. Santana Fatima Fernandes
alias Santana Fatima Fernandes,
d/o late Jose Pedro Fernandes &
late Estela Barbosa alias Esthaela Barboza,
w/o late Braz D'Silva alias Bras da Silva,
aged 61 years, married, housewife,
Indian National, r/o H. no. 473/A,
Pulvaddo, Benaulim, Salcete, Goa.

...

Applicant/
Head of the Family

and

2. Mrs. Piedade Fernandes,
d/o late Jose Pedro Fernandes &
late Estela Barbosa alias Esthaela Barboza,
aged 55 years, married,
housewife, Indian National,
and her husband;

3. Mr. Estefanio Joaquim Dias
alias Estefanio Joaquim Dias,
s/o late Jose Antonio Dias,
aged 62 years, married, retired,

both r/o Cavorim Gotmord,
Chandor, Salcete, Goa.

4. Mr. Assis Joaquim Pedro Alcantara Fernandes,
s/o late Jose Pedro Fernandes &
late Estela Barbosa alias Esthaela Barboza,
aged 60 years, married,
Indian National and his wife;

5. Mrs. Maria Gracy Barretto,
d/o late Joao Manuel Wellington Barretto,
aged 51 years, married,
housewife, Indian National,
r/o H. no. 195, Igrejebhat,
Chandor, Salcete, Goa.

6. Mrs. Daisy D'Silva,
d/o late Braz D'Silva alias Bras da Silva,
aged 37 years, married, housewife,
and her husband;

7. Mr. Freddy D'Costa,
s/o late Anthony Agnelo D'Costa,
aged 44 years, married, service,
both r/o new Township, Guirdolim,
Chandor, Salcete, Goa.

8. Miss Dalia D'Silva,
d/o late Braz D'Silva alias Bras da Silva,
aged 35 years, spinster,
Indian National,
r/o H. no. 473/A, Pulvaddo,
Benaullim, Salcete, Goa

... Interested Parties

Advocate Ms. V. Dessai i/b Advocate Ms. T. Dessai for the Head of the
Family and all Interested Parties.

J U D G E M E N T

(Delivered on this the 27th day of October of the year 2023)

1. This judgment shall dispose of the above mentioned Regular Inventory Proceedings, which was instituted upon the death of Mr. Jose Pedro Fernandes and his wife, Mrs. Estela Barbosa alias Esthaela Barboza and their bachelor sons, namely Mr. Vincentino and Mr. Braz D'Silva. This Inventory was filed under section 373(1)(b) of the Goa Succession, Special Notaries and Inventory Proceedings Act, 2012, seeking a declaration in respect of the heirs of the four Estate Leavers. This Inventory Proceeding was initiated by the daughter of the Estate Leaver nos. 1 and 2 and the sister of Estate Leaver no. 3.

2. Vide Order dated 14.11.2022, the Applicant was appointed as the Head of the Family. She was then administered the oath of office. She also filed her Statement on Oath and Additional Statement on Oath, wherein she set out that the first Estate Leaver passed away on 20.07.2008 and that the second Estate Leaver passed away on 31.01.2018 and that the third Estate Leaver died a bachelor and intestate and that now the heirs are the surviving children of the Estate Leaver nos. 1 and 2 (who are also the siblings of Estate Leaver no. 3). The Head of the Family set out their names and details of all the heirs.

3. At this juncture, I must mention that the fourth Estate Leaver namely Mr. Braz D'Silva is the husband of the Head of the Family. The husband of the Head of the Family (who is the son of Estate Leaver nos. 1 and 2 and the brother of Estate Leaver no. 3) has passed away and therefore his children step into his shoes. The names and details of his children are amongst the names of the heirs set out in the said Statement on Oath/Additional Statement on Oath.

4. Later the same Advocate filed vakalatnama for all the Interested Parties.

5. It is pertinent to mention that during the course of oral arguments, Advocate Ms. V. Dessai told the Court, on instructions from Advocate Ms. T. Dessai who appears for the Head of the Family and all Interested Parties, that all the Interested Parties do not dispute the version set out by the Head of the Family, in the Statement on Oath read with the Additional Statement on Oath.

6. However, during the course of final arguments, the Court asked Advocate Ms. V. Dessai as to how she could initiate a common Inventory in respect of her parents and brother on one hand and her husband on other hand. After all, the siblings of the Head of the Family are not the heirs of the fourth Estate Leaver, namely Mr. Braz D'Silva. Only the Head of the Family and her two children are the heirs of Mr. Braz D'Silva. This being the position of law, Advocate Ms. V. Dessai on instructions of Ms. T. Dessai told the Court that she will not press for declaration of heirship in respect of heirs of late Mr. Braz

D'Silva and prayed for liberty to file a separate Inventory Proceedings in respect of the heirs of Braz D'Silva, wherein only the Head of the Family and her two daughters (one of whom is married), are required to be named as Interested Parties – Liberty granted and therefore no declaration of heirship in respect of Mr. Braz D'Silva is being passed in this Inventory Proceedings.

7. By this Order, it is hereby declared that the Head of the Family namely Mrs. Santana Fatima Fernandes and her children, namely Mrs. Daisy D'Silva (married to Mr. Freddy D'Costa), Ms. Dalia D'Silva (unmarried); Mrs. Piedade Fernandes (married to Mr. Estefanio Joaquim Dias alias Estefanio Joaquim Dias); Mr. Assis Joaquim Pedro Alcantara Fernandes (married to Mrs. Gracy Barreto) are all jointly the sole and universal heirs of the first three Estate Leavers named above.

Dictated and Pronounced in the Open Court.

**(Carlo Santana da Silva)
Senior Civil Judge &
Chief Judicial Magistrate,
Margao, Goa.**

Ld*