

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 371 OF 2014

IN

SECOND APPEAL NO. 91 OF 2007

SHRI SIDDIVINAYAK MANDIR, REP. BY
ITS ATTORNEY SHRI SUBHASH ANKUSH
NAIK

... Applicant

Versus

SHRI BHARAT MAHADEV NAIK AND 3
ORS.,

... Respondents

Ms. S. Chodankar, Advocate for the applicant.
Shri P. Sawant, Advocate for the respondent No.1.

Coram:- F. M. REIS, J.

Date:- 22nd January, 2015

P.C.:

Heard Ms. Chodankar, learned Counsel appearing for the applicant and Shri P. Sawant, learned Counsel appearing for respondent No.1.

2. Learned Counsel appearing for respondent No.1 seeks time to file reply. But, however, inspite of such opportunity, no reply has been filed. Be that as it may, the main contention of the respondent is that the deceased was being sued in representative capacity and, as such, according to him, right to sue does not survive. However, on perusal of the cause title and the relief sought, prima facie it appears that the contention of the learned Counsel appearing for the

respondent cannot be accepted. The contentions raised by the respondents are left to be examined at the time of final hearing of the appeal.

3. Subject to the above, the application is allowed and the heirs of the deceased respondent No.1 are ordered to be brought on record. The amendment be carried out within one week. The application stands disposed of.

4. Place Second Appeal No.91/2007 for final hearing on 12th February, 2015.

F. M. REIS, J.

ssm.