

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 501 OF 2012

IN

SECOND APPEAL NO. 100 OF 2011

MRS.MARIA SANTANA PINTO RODRIGUES,
REP. BY HER DULY CONSTITUTED
ATTORNEY MR.AGNELO RODRIGUES AND
ORS

... Applicant

Versus

MR. JOSE LUIS CARLOS ALMEIDA AND 9
ORS.,

... Respondents

Mr. C. Padgaonkar, Advocate for the applicants.

Ms. S. Bhobe, Advocate for the respondent nos.1 and 2.

Coram:- C. V. BHADANG, J.

Date:- 28th October, 2015

P.C.

This is an application for condonation of delay in bringing the legal representatives of deceased respondent no.7 on record as also for setting aside abatement, if any.

2. It is undisputed that the respondent no.7 Mr. Xavier Pereira died on 13/11/2008 and the present application came to be filed on March 25, 2012. However, indisputably, the respondent no.5, who is the wife of respondent no.7, is already on record. In that view of the matter, there would be no abatement. The proposed legal representatives, as mentioned in para 4 of the application, are served.

However, none appears.

3. I have heard the learned Counsel for the applicants and the learned Counsel for the respondent nos.1 and 2. None for the rest of the respondents.

4. For the reasons stated in the application and in view of the fact that one of the legal heirs of the deceased respondent no.7 is already on record, the application is allowed as prayed. Amendment to be carried out forthwith.

C. V. BHADANG, J.

SMA