

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 33 OF 2006

SMT. MUGDHA ATCHUT BHISE,
CURCHOREM GOA.

... Appellant

Versus

PIO JOSE DE CUNHA, CURCHOREM GOA.

... Respondent

Ms. P. Kaur, Advocate for the appellant.
Shri Parag Rao, Advocate for the respondent.

Coram:- F. M. REIS, J.

Date:- 5th March, 2015

P.C.:

Heard Ms. Kaur, learned Counsel appearing for the appellant and Shri P. Rao, learned Counsel appearing for the respondent.

2. During the course of hearing of the above appeal, it was brought to my notice that the sole respondent has expired more than a year back. The learned Counsel appearing for the appellant has also pointed out that there was no notice of the death of the sole respondent by the learned Counsel for the deceased respondent, nor the appellant was aware of such death. An affidavit is also filed by the appellant confirming the said aspect.

3. Hence, as admittedly the sole respondent has expired more than a year back, the appeal stands automatically abated.

Nevertheless, liberty to the appellant, if so advised, to file an appropriate application to bring on record the LRs. of the deceased respondent and to file an application for condonation of delay and for setting aside abatement in accordance with law. In case, such an application is filed, the same shall be considered on its own merits, in accordance with law.

4. The appeal stands disposed of accordingly.

F. M. REIS, J.

ssm.