

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.313 OF 2016**

- 1 Laxman Sanvlo Shetkar
(since deceased), through
his legal representatives:
 - 1a) Pralhad Laxman Shetkar,
 - 1b) Smt. Vandana Pralhad
Shetkar,
 - 1c) Shivaji Laxman Shetkar,
 - 1d) Smt. Surat Shivaji
Shetkar
 - 1e) Pradeep Laxman Shetkar,
 - 1f) Suresh Laxman Shetkar,
 - 1g) Sharana Krishnanath Naik,
All of major age,
Indian Nationals, residing
near Damodar Temple,
Zambaulim, Sanguem-Goa.
 - 1h) Pritidas Zambaulikar
 - 1i) Smt. Sharmila Pritidas
Zambaulikar,
Both of major age,
Indian Nationals,
residents of House No.252,
Namshi,
Bandora, Ponda-Goa.
- 2 Smt. Nalawati Laximan
Shetkar,
housewife, of major age,
Indian National, resident
of Cotta, Amona, Quepem-
Goa.
- 3 Shri Bhuto Sanvlo Shetkar
(since deceased), LRs

already present at 4a to
4s.

- 4 Smt. Satyabhama Bhuto
Shetkar (since deceased):
- 4a) Amrut Bhuto Shetkar,
- 4b) Shobhan Amrut Shetkar,
- 4c) Chandresh Bhuto Shetkar,
- 4d) Shaila Chandresh Shetkar,
- 4e) Eknath Bhuto Shetkar,
- 4f) Nutan Eknath Shetkar,
- 4g) Smita Balchandra Joshi,
- 4h) Balchandra Vithal Joshi,
- 4i) Asha Gajanan Naik,
- 4j) Gajanan Babu Naik,
- 4k) Rajeshree Rajendra
Pednekar,
- 4l) Kranti Sandesh Vernekar,
- 4m) Sandesh Hanumant Vernekar,
- 4n) Nirupa Navnath Naik,
- 4o) Navnath Tukaram Naik,
- 4p) Chandani Santosh Naik,
- 4q) Ranjeeta Rajendra
Pednekar,
- 4r) Neeta Shivdas Naik,
- 4s) Shivdas Shivram Naik,
All of major age, Indian
Nationals, residents of
Cotta, Amona, Quepem, Goa.
- 5) Shri Digambar Zaya Shetkar
(expired)
- 6) Shri Manohar Zaya Shetkar
(Attorney), of major age,

Indian National, and his
wife (Power of Attorney
holder)

- 7) Smt. Malika Manohar
Shetkar,
of major age, housewife,
Indian National,
- 8) Miss Madhubala Zaya
Shetkar,
of major age, Indian
National,
- 9) Miss Vismita Zaya Shetkar,
- 10) Smt. Anita Dinesh Naik, of
major age, Indian National
and her husband,
- 11) Shri Dinesh Umanath Naik,
of major age, Indian
National,
All residents of
Taripanto, Sanguem-Goa.
- 12) Smt. Vilasini Gurudas
Arondekar (since deceased),
represented by:
 - 12a) Teja Gurudas Arondekar,
 - 12b) Dirya Gurudas Arondekar,
Both of major age,
Indian Nationals,
residents of House No.26,
Batulem, Panaji-Goa.
- 13) Shri Gurudas Bablo

Arondekar, of major age,
Indian National, resident
of House No. 36, Batulem,
Panaji-Goa, the Petitioner
Nos.7 to 13 are
represented by their
Attorney Petitioner No.6
Shri Manohar Zaya Shetkar,
of major age, Indian
National, resident of
House No.20, Taripanto,
Sanguem, Goa.

- 14 Shri Kamlesh Datta
Shetkar,
- 15) Smt. Laxmi Kamlesh
Shetkar,
both major of age, Indian
Nationals,
- 16) Shri Chaturanand Datta
Shetkar,
major of age, and his wife
- 17) Smt. Chaitali C. Shetkar,
major of age, Indian
National, housewife,
- 18) Shri Paresh Datta Shetkar,
major of age, Indian
National,
- 19) Smt. Sita Ramchandra
Shetkar, expired (through
Lrs.)
- 20) Shri Ravindra Ramchandra
Shetkar, major of age,
Indian National and his

wife;

- 21) Smt. Geeta R. Shetkar,
of major age, Indian
National,
All residents of House
No.10, Cotto, Amona,
Quepem-Goa.

.... Petitioners

V/s.

- 1) Shri Ratnakar Bhaskar
Shetkar, of major age,
Indian National, married,
retired, and his wife,
major,
- 2) Smt. Suman Ratnakar
Shetkar, of major age,
Indian National, housewife,
- 3) Shri Ashok Bhaskar
Shetkar,
major of age, Indian
National and his wife;
- 4) Smt. Ashwini Ashok
Shetkar,
major of age, Indian
National, housewife,
All residents of Cotto,
Amona, Quepem, Goa.
- 5) Shri Virangan Datta
Shetkar,
major of age, Indian
National and his wife
- 6) Smt. Mhala V. Shetkar,
major of age, Indian

National, housewife,
Both residents of Shirvoi,
Quepem, Goa.

- 7) Shri Sanvlo Datta Shetkar,
major of age, Indian
National and his wife;
- 8) Smt. Saraswati Sanvlo
Shetkar, major of age,
Indian National housewife;
- 9) Shri Devidas Ramchandra
Shetkar, major of age,
Indian National and his
wife,
- 10) Smt. Deepti Devidas
Shetkar, major of age,
Indian National, housewife,
All residents of Cotto,
Amona, Quepem, Goa.
- 11) Shri Shyam Ramchandra
Shetkar,
major of age, and his
wife;
- 12) Smt. Josephina Shyam
Shetkar, of major age,
Indian National,
Both residents of
Sonarbhat, Quepem, Goa
- 13) Miss Sumati Ramchandra
Shetkar, unmarried, of
major age, Indian
National, resident of
Cotto, Amona, Quepem, Goa.

- 14) Shri Chandreshwar Bhutnath
Devasthan, through its
Attorney, Shri Chandrakant
Shiva Raut Desai, of major
age, Indian National,
resident of Assolda, near
Assolda Bridge, Quepem,
Goa.
- 15) Shri Krishnath Raghunath
Naik, of major age, Indian
National, residents of
House No.252, Namshi,
Bandora, Ponda-Goa.
- 16) Roshan Laxman Shetkar, of
major age, Indian
National,
Both residents of
Zambaulim, Sanguem, near
Damodar Temple, Sanguem,
Goa.

... Respondents

Shri S.P. Munj, Advocate for the Petitioners.
Shri G. Teles, Advocate for the Respondent Nos.1
to 4.

CORAM : C.V. BHADANG, J.

DATE : 1st AUGUST, 2016

ORAL JUDGMENT :

Rule made returnable forthwith. The learned
Counsel for the contesting respondents no.1 to 4
waives service. The service on the rest of the
respondents is dispensed with. Heard finally by
consent of the parties.

2. The application filed by the petitioners for amendment was dismissed by the Trial Court on 30/07/2012. That order was challenged before this Court in Writ Petition No.197/2013, which was allowed on 6/08/2015, granting leave to the petitioners to amend the plaint subject to costs of Rs.5,000/-. The petitioner did not carry out the amendment within a period of two weeks. In such circumstances, the petitioner filed an application under Section 148 read with Section 151 of the Civil Procedure Code, for leave to carry out the amendment, which has been dismissed by the Trial Court by order dated 18/12/2015 on the ground that the Court cannot extend the time granted by this Court and the petitioner would have to approach this Court for extension of time. The learned Counsel for the petitioners states that case made out in the application for extension was that the son of the original plaintiff no.4(a) was ill and was required to be taken, out of station for

treatment, because of which the amendment could not be carried out within time.

3. It appears that although this Court by the judgment and order dated 6/08/2015 had not fixed any specific time, the Trial Court has relied upon Order 6 Rule 18 to hold that where no time is fixed, the compliance has to be done within 14 days of the date of the order.

4. Having regard to overall circumstances, I find that the time can be extended. Hence, the following order is passed:

(i) The petition is allowed.

(ii) The application Exhibit D-161 stands allowed.

(iii) The time to carry out amendment is extended by a period of two weeks from today.

(iv) Rule is made absolute in the aforesaid terms, with no order as to costs.

5. Expedite authenticated copy.

C.V. BHADANG, J.

NH