

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 512 OF 2011

IN

FIRST APPEAL NO. 19 OF 2007

SHRI. PETER GODINHO REPRESENTED BY
ATTORNEY SMT. GREATA GODINHO

... Applicant

Versus

SHRI. CORNELINS D'SOUZA AND ANR

... Respondent

Mr. S. S. Kakodkar, Advocate for the applicant.

Mr. Emerico Afonso, Advocate for the respondent no.2.

Coram:- K. L. WADANE, J.

Date:- 4th March, 2016

P.C.

Heard Mr. S. Kakodkar, learned Counsel appearing for the applicant/original appellant and Mr. E. Afonso, learned Counsel appearing for the respondent no.2.

2. This is an application for condoning the delay of 480 days caused for bringing legal representatives of original claimant/appellant on record. Delay of 480 days sought to be condoned on the grounds that the applicant/appellant who sustained injuries in the accident died on 15.9.2009. Advocate for the applicant/original appellant/ was unaware of the death of the applicant/appellant and his legal representatives had also not informed the advocate about the death of the applicant/appellant. The applicant was represented by his wife. She was unaware about the procedure to be followed in case death of

appellant and in that process delay of 480 days has been caused. The original claim of the applicant was regarding compensation in respect of the injuries sustained to him and apparently, such claim is maintainable to the extent of loss of estate only.

3. Mr. Kakodkar, learned Counsel has relied upon the observations in the case of Improvement Trust, Ludhiana Vs. Ujagar Singh and ors, reported in 2010 ALL SCR 2321 and in the case of Collector, Land Acquisition, Anantnag Vs. Katiji and others reported in AIR 1987 SC 1353.

4. Looking to the observations of the above cited authority and in the facts and circumstances of the case grounds mentioned for condoning the delay, I am of the opinion that the delay of 480 days caused for bringing legal representatives of the appellant on record can be condoned, accordingly, it is condoned. Amendment to be carried out within 14 days.

5. Application stands disposed of.

K. L. WADANE, J.