

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 508 OF 2016

IN

WRIT PETITION NO. 309 OF 2016

SHRI. FRANCISCO RODRIGUES AND ANR. ... Applicant
Versus
STATE OF GOA, THROUGH CHIEF
SECRETARY AND 3 ORS. ... Respondent

Mr. Devidas J. Pangam, Advocate for the applicants.
Mr. P. Dangui, Addl. Government Advocate for the respondent no.1.
Mr. R. Menezes, Advocate for the respondent no.2.
Ms. A. Agarwal, Advocate for the respondent no.4.

Coram:- F. M. REIS &
NUTAN D. SARDESSAI, JJ.

Date:- 14th July, 2016

P.C.

Heard Mr. D. Pangam, learned counsel appearing for the applicants, Mr. R. Menezes, learned counsel appearing for the respondent no.2 and Ms. A. Agarwal, learned counsel appearing for the respondent no.4.

2. This is an application to incorporate a relief in the above petition. It is pointed out by Mr. Pangam, learned counsel appearing for the applicants that though substantial averments to claim the relief are found in the petition, nevertheless, inadvertently the relief remained to be claimed.

3. Mr. Menezes, learned counsel appearing for the respondent no.2/private respondent opposes for such leave. It is pointed out that the applicants are not entitled for such relief as according to him the relief do not flow from the averments in the petition.

4. We have considered the submissions of the learned counsel and we have also gone through the records. The very fact that the applicants are not incorporating any new averments in the petition would itself suggest that the contention of the applicants that there are averments in the petition to claim the relief has to be accepted. In such circumstances, we find no reason to refuse leave to the applicants. The application is accordingly allowed. Leave is granted to the applicants to amend the petition. Amendment to be carried out within one week with the copies of the amended petition to the learned counsel appearing for the respective respondents.

5. The application stands disposed of accordingly.

NUTAN D. SARDESSAI, J.

F. M. REIS, J.

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