

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 142 OF 2017

MR. ANTHONY JOSEPH D'SOUZA., ... Petitioner
Versus
MRS. THEREZA COUNTINHO AND 6 ORS., ... Respondents

Mr. Nigel Da Costa Frias, Advocate for the petitioner.
Mr. Joseph Vaz, Advocate for the respondent nos. 1,2
(e),(f),(g),(h) & (j)

Coram:- F. M. REIS, J.

Date:- 6th April, 2017

P.C.

Heard Mr. Nigel Da Costa Frias, learned counsel appearing for the petitioner and Mr. J. Vaz, learned counsel appearing for the respondent nos. 1, 2 (e) to (j).

2. The challenge in the above petition is to an order disposing off the application filed by the petitioner to bring the legal representatives of the deceased original defendant no.1 on record. It is the contention of Mr. Vaz, learned counsel appearing for the respondent nos. 1, 2(e) to (j) that the legal representatives of the deceased respondent no.1 are already on record and no other person has to be brought on record as the legal representatives. Mr. Nigel Da Costa Frias, learned counsel however disputes the said contention as according to him the deceased defendant has more legal representatives but however

the petitioner who is plaintiff in the suit has not disclosed the names of any such legal representatives. In such circumstances, the question of any interference in the impugned order dated 15.09.2016 passed by the learned Judge is not at all justified. There is no jurisdictional error committed by the learned Judge while passing the impugned order. The petitioner if so advised is at liberty to raise the contention with regard to the non joinder of necessary parties and that the proceedings have abated on such ground at the time of the final hearing of the appeal on merits. Needless to say, all contentions of the respondents with that regard are left open. The petition stands disposed of accordingly.

F. M. REIS, J.

at*