

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 277 OF 2017

IN

FIRST APPEAL NO. 302 OF 2007

SHRI. PRAMOD N. NAIK AND 2 ORS., ... Applicants

Versus

SHRI. AUDHUT S. NAIK AND 35 ORS., ... Respondents

Mr. S.P. Munj, Advocate for the Applicants.

Mr. R.G. Ramani, Advocate for the Respondent Nos. 1(a) to 1(d) to 11 and 13.

Ms. Neha Kholkar, Additional Government Advocate for the Respondent Nos. 35 and 36.

Coram:- C. V. BHADANG, J.

Date:- 23rd August 2017

P.C:

Leave to correct the name of the proposed legal representative no. 1(d) and the name of the mother of legal representative nos. 1(c) and 1(d), granted. Necessary correction to be carried out forthwith.

2. This is an application for bringing the legal representatives of deceased respondent no. 1 on record, for condonation of delay and for setting aside abatement.

3. It is submitted by the learned Counsel for the applicants that the respondent no. 1 died on 22.04.2016 and the intimation about

his death was given by the respondent no. 2 in the first week of March 2017 and as such, the present application was filed on 21.03.2017.

4. Undisputedly, the widow of respondent no. 1 is already on record as respondent no. 2 and therefore, the appeal would not abate as against respondent no. 1. The proposed respondent nos. 1(a) to 1(d) are represented by Advocate Shri Ramani. In view of the fact that one of the legal representatives is already on record, the period for bringing the other legal representatives would be three years.

5. In such circumstances and for the reasons mentioned in the application, the same is allowed. The proposed respondent nos. 1(a) to 1(d) be brought on record forthwith.

C. V. BHADANG, J.

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