

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 420 OF 2013

IN

SECOND APPEAL NO. 11 OF 2012

PRABHAKAR PANDURANG NAIK DESSAI
AND 11 ORS.,

... Applicants

Versus

TOLU PAICA VELIPO AND 47 ORS.,

... Respondents

Mr. C. Padgaonkar, Advocate for the Applicants.

Mr. Shailesh Redkar, Advocate for the Respondent nos. 1 to 35.

Coram:- G. S. PATEL, J.

Date:- 7th August, 2017

P.C.

This is an application to implead the legal heirs of the Respondent nos. 36(a), (b) and (c) accompanied by an application for condonation of delay and for setting aside of the abatement, if any. The Applicants also seek that the requirement of production of the death certificate be dispensed with.

2. It is in all fairness pointed out that a notice has not been issued to the proposed legal heirs. This, however, must be considered in the light of the fact that the Second Appeal was admitted on 15.03.2012 and, in the five years since, some of the original Respondents have passed away. It would be most unjust to the Applicants if further time was to be lost in issuing notice

to the legal heirs sought to be brought on record as Respondents. Should those legal heirs wish to contest, they are free to do so and they are equally free not to contest the Second Appeal at the stage of final hearing.

3. The Misc. Civil Application is made absolute. Amendment to be carried out by 24.08.2017 without any need of verification. The newly added Respondent nos. 36(a), (b) and (c) will be served within two weeks thereafter.

G. S. PATEL, J.

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