

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 846 OF 2015

IN

STAMP NUMBER MAIN NO. 1313 OF 2015

STATE OF GOA, REPRESENTED THROUGH
THE CHIEF SECRETARY AND 2 ORS.,

... Applicants

Versus

COMMUNIDADE OF BHATI @ ASTRAGAR,
THROUGH ITS ATTORNEY ANIL DATTA
PRABHUDESSAI AND ANR.,

... Respondents

Ms. Priyanka Kamat, Additional Government Advocate for the
Applicants.

Coram:- C. V. BHADANG, J.

Date:- 18th July, 2017

P.C:

The learned Additional Government Advocate for the applicants points out that the respondent no. 2 died during the pendency of the suit on 11.08.2010. The Death Certificate which is produced, is taken on record and marked 'X' for identification.

2. The learned Additional Government Advocate submits that the legal representatives of the respondent no. 2 were not brought on record during the pendency of the suit and the suit came to be decided against the dead person. She therefore submits that the decree, insofar as in favour of respondent no. 2 is concerned, would be a nullity.

3. Respondent no. 1, who is served has chosen not to appear.
4. There is a delay of 42 days in filing the First Appeal. For the reasons mentioned in the application, the application is allowed and the delay is condoned. Let the First Appeal be registered.

C. V. BHADANG, J.

EV