

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATIONS NO. 713 AND 714 OF 2013

IN

SECOND APPEAL NO. 107 OF 2007

SHRI. ZORGO TULO VELIP (SINCE
DECEASED) THROUGH LR'S AND 2 ORS.,

... Applicants

V e r s u s

SHRI. SHRIKANT BALCHANDRA SAHAKARI
AND 7 ORS.,

... Respondents

Mr. Carlos Alvares Ferreira, Advocate for the Applicants.

Coram :- **G. S. PATEL, J.**

Date : **7th August, 2017**

P.C.

There is a delay of 1174 days in filing Miscellaneous Civil Application No. 714 of 2013 for impleading the legal representatives of Appellant no.2. Miscellaneous Civil Application No. 713 of 2013 seeks *inter alia* that the delay be condoned.

2. The reasons given in paragraphs 2 and 3 are, in my view, more than sufficient. Appellant no. 2 comes from a Scheduled Tribe. While he was aware of the demise of Appellant no. 2, he was not cognizant of the legal steps required to be taken consequent to the 2nd Appellant's passing. Although the delay is considerable, condonation is always a matter between the Applicant and the Court. I find the reasons given are sufficient. The delay

is condoned. The abatement, if any, is set aside. I will also note that there is an additional affidavit in support filed by the constituted Attorney.

3. The names of the heirs of the second Appellant are mentioned in the body of Miscellaneous Civil Application No. 714 of 2013 itself. Leave to amend without need of verification to bring on record the heirs of the deceased 2nd Appellant. Amendment to be carried out by 31st August 2017. A copy of the amended cause title will be served on the Advocate for the Respondents.

4. Both the Misc. Civil Applications are made absolute and disposed of accordingly.

G. S. PATEL, J.

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