

Santosh

***IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.583 OF 2015
IN
SECOND APPEAL NO.12/2013***

Smt. Lorna D'Souza.		Applicant.
Versus		
Bebu Esso Gaokar & ors.		Respondents.

Mr. Ryan Menezes, Advocate for the Applicant.

Ms. Vinita Palyekar, Advocate for the Respondents.

Coram : N.M. Jamdar, J.

Date : 14 December 2017.

P.C.:

Ms. V. Palyekar appears on behalf of the heirs of the deceased respondents No.1, 5, 8 and 11. The details of the heirs of the deceased respondents and the explanation for delay have been specified in paragraphs 12, 13, 14 and 15 of the Application.

2. Since all the heirs are served and the explanation for delay given in the Application is found cogent and that no reply is filed, the Civil Application is allowed and disposed of. The amendment to be carried out within three weeks from today.

3. It is the contention of the learned Counsel for the newly added Respondents i.e. the heirs, that one of the grounds on which the Suit was dismissed, was non-joinder of the necessary parties which included some of the spouses of the deceased Respondents. It was submitted that the Appellants are trying to cure that defect by bringing them on record. However, it appears that the spouses of these respondents are being brought on record, in view of the fact that the Respondents have expired, as their heirs. The contention that they were not so shown in the Suit which gave rise to non-joinder, is kept open to be considered at the time of hearing of the Appeal.

N.M. Jamdar, J.