

IN THE HIGH COURT OF BOMBAY AT GOA
MISC.CIVIL APPLICATION NO.750 OF 2017
AND
STAMP NUMBER (APPLICATION) NO.2429 OF 2018
IN
MISC.CIVIL APPLICATION NO.750 OF 2017

Mrs. Bertha Agnela Piedade
Gonsalves E Rodrigues
and 10 Ors. .. Applicants
Versus
The Comunidade of Cotombi,
By its Attorney and Anr. .. Respondents

Ms. R. Pereira, Advocate for the applicants.

Coram :- C. V. BHADANG, J.

Date :- 10th December, 2018

P.C.

First Appeal No.38/2015 arises out of the Judgment and Award dated 08/12/2014, passed by the learned District Judge in Land Acquisition Case No.331/1991, which was a Reference under Section 30 of the Land Acquisition Act, 1894. The record shows that there were three parties, who were claiming the compensation, namely Comunidade of Cotombi (Party No.1), Bartolomeu Piedade (Party No.2), Antonio Rosario D'Silva (Party No.3) and the appellant Thomas Rodrigues (Party No.4). It appears that earlier, this Court had remanded the matter for deciding the Reference afresh by an order dated 20/06/2014. The learned Counsel for the applicants submits that at that time, the

respondent no.2 was not served. After remand, the matter was decided on 08/12/2014, against which the present appeal is filed. When the notice was sent to the second respondent, it transpired that the second respondent had died way back in the year 1999. Hence, MCA No.750/2017 was filed for bringing the LRs of the deceased respondent no.2 on record. The applicant had sought impleadment of children of the respondent no.2 and their spouses as set out in para 8 of the application. When notices were issued to the proposed LRs, it transpired that the proposed respondent no.2(d) Mrs. Evon D'Silva has also expired in the year 1999. Hence, STA No.2429/2018 is filed for bringing her LRS on record as set out in para 16 of the application.

2. The proposed LRs are served. However, none appears for them. Today there is also no appearance on behalf of the respondent no.1.

3. On hearing the learned Counsel for the applicants and for reasons mentioned in the two applications, the same are allowed as prayed. The delay in filing the application is hereby condoned. The applicants are permitted to bring the LRS on record as prayed. Necessary amendment to be carried out within one week from today.

C. V. BHADANG, J.

SMA