

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 505 OF 2018**

1. Mr. Elias Barretto,
Son of late Remedios Barretto,
Major in age,
r/o Down Mangor,
Vasco-da-Gama, Goa.
2. Mr. Elvira alias Elvina Rosa,
Wife of Mr. Efado Rosa,
Major in age,
r/o House No.88, Rose Ville,
Novangully, Varca, Salcete, Goa.
3. Mrs. Alzira Noronha,
Flat No.S-5, 2nd floor,
Sapana Pavillion,
Near Nehru Stadium, Fatorda,
Margao, Salete, Goa – 403 602.
All above are represented by duly constituted
Attorney Mr. Gajendranath Vaman Ratabole.
4. Mrs. Sita Rebello,
Aged 55 years,
C/o Mr. Anthony Thomas Rebello,
Biunsa, Cuncolim, Goa.
5. Mrs. Juliana Rataboli,
Major in age,
C/o Life Insurance Corporation of India,
Divisional Office, Panaji-Goa
Through duly constituted Attorney,
Mr. Gajendranath Vaman Ratabole,
Major of age, R/o Halli Wada,
Penha de Franca, Bardez, Goa.
6. Mrs. Wilfa Barretto,
Major in age,
r/o Down Mangor,

Vasco-da-Gama, Goa.

Through duly constituted Attorney

Mrs. Sita Rebello.

..... Petitioners.

V e r s u s

1. Mrs. Bertha Barretto (since deceased)

Widow of late Mr. M.J.A.C. Barretto

Through her legal heirs:

a. Mr. Brazinho Barretto (son)

Age 64 years,

r/o Villa Berta, Mangor Hill,

Vasco-da-Gama, Goa.

b. Mrs. Siera Barretto (daughter-in-law)

aged 55 years,

r/o Villa Berta, Magor Hill,

Vasco-da-Gama, Goa.

c. Mrs. Alzira Dias (daughter)

Age 68 years,

r/o Villa Dias, Sernabatim,

Colva, Salcete, Goa.

d. Mr. Augusto Dias (son-inlaw)

Age 77 years,

r/o Villa Dias, Sernabatim,

Colva, Salcete, Goa.

2. Mr. Antonio Jose Rodrigues,

Major in age,

C/o Mr. Mario D'Savio Antonio Rowland Salema,

Rowland's Quinta,

Verna, Salete-Goa.

3. Mrs. Cilcilia Rodrigues,

Major in age,

C/o Mr. Mario D'Savio Antonio Rowland Salema,

Rowland's Quinta,

Verna, Salcete-Goa.

.... Respondents.

Coram:- C. V. BHADANG, J.
Date:- 10th July 2018.

Adv. Valmiki Menezes for the Petitioners.

Adv. Rui Gomes Pereira for the Respondents.

Oral Order:

Heard Shri Menezes, the learned counsel for the petitioners and Shri Pereira, the learned counsel for the respondents.

2. On 11/6/2018 a notice was issued to the respondents indicating that the petition could be taken up for final disposal at the stage of admission. Accordingly the parties are heard and the petition is being disposed off finally.

3. The short ground made on behalf of the petitioners is that the Administrative Tribunal had heard the parties only on the point of the maintainability of the appeal and not on merits. Shri Menezes, the learned counsel for the petitioners points out that after the oral arguments were heard the respondents filed written notes of arguments which also covered the merits of the appeal. However, thereafter the petitioners were not called upon to file the written notes and the contention is that after holding that the appeal is maintainable, the Tribunal could not have gone into the merits of the

appeal (namely merits of condonation of delay). The learned counsel for the respondents in all fairness does not dispute this aspect. In such circumstances by consent of parties the following order is passed:

ORDER:

- (i) The impugned order to the extent of condoning the delay on merits is hereby set aside.
- (ii) The application for condonation of delay is remitted back to the learned Administrative Tribunal for deciding it afresh in accordance with law.
- (iii) The order holding that the appeal is maintainable is not interfered with, at this stage.
- (iv) The parties to appear before the Administrative Tribunal on 31/7/2018 at 10 a.m..
- (v) The Administrative Tribunal shall endeavour to the decide the application as expeditiously as possibly and preferably within within a period of three months from the receipt of this order.
- (vi) The petition is disposed of in the aforesaid terms with no order as to costs.

C. V. BHADANG, J.

Ap/-