

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 772 OF 2018

PLACIDO NAZARENO RODRIGUES AND
ANR.,

... Petitioners

Versus

DULGEM JOSE FERNANDES @ DURGA JOSE
FERNANDES (DEC) THR. HER LRS. AND
2 ORS.,

... Respondents

Shri Menezes Myron D'souza, Advocate for the petitioners.

Coram:- C. V. BHADANG, J.

Date:- 27th July 2018

P.C.

Heard Shri Menezes, the learned Counsel for the petitioners.

2. The petitioners are the appellant nos.1 and 2 in Tenancy Appeal No.2/12 pending before the Administrative Tribunal. In that case, the learned Counsel appearing for the respondent nos.1(i) to (vii) intimated to the Tribunal that the respondent no.1(ii) Smt Gulabi Shirodkar has expired on 23/11/2017 and had also furnished the names of the LRs of the said respondent. In such circumstances, the appellants filed an application to direct the LRs of the deceased respondent no.1 and/ or the LRs of respondent no.1(ii) to furnish a copy of the death certificate of Smt. Gulabi Shirodkar and further to direct them to furnish

documentary evidence that the Legal Heirs as mentioned in the application filed before the Civil Court are in fact the legal heirs of Smt Gulabi Shirodkar.

3. The said application has been dismissed by the Administrative Tribunal by the impugned order dated 29/06/2018.

4. I have heard Shri Menezes, the learned Counsel for the petitioners and perused the impugned order and I do not find that any case for interference is made out.

5. Once the death of any respondent is reported to the Court, it is the responsibility of the appellant to take steps for bringing the LR's of the deceased respondent on record, as has been rightly noticed by the Administrative Tribunal. Under the provisions of Order XXII, Rule 10A of CPC, the authority of the Advocate appearing for the deceased respondent extends only to reporting the said death and ceases thereafter. Thus, in the present case, it was for the appellants to have taken steps for bringing the LR's of the deceased respondent no.1(ii) on record. The appellants have been unable to point out any provision under which, an application as framed and filed before the Administrative Tribunal can be entertained. Thus, the impugned order does not suffer from any infirmity, so as to require interference. The

petition is accordingly dismissed.

6. At this stage, Shri Menezes, the learned Counsel for the petitioners submits that the petitioners shall file appropriate application for bringing the LRs of the deceased respondent on record and for conducting enquiry, if any. If such an application is filed, the Tribunal shall decide the same on its own merits and in accordance with law, uninfluenced by the observations made in the impugned order.

C. V. BHADANG, J.

SMA