

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 155 OF 2018

IN

WRIT PETITION NO. 112 OF 2011

CARLOS FRANCISCO MONTEIRO.,

... Applicant

Versus

JOSEFINA BAPTISTA (DEC.) THROUGH
HER LRS. AND 3 ORS.,

... Respondents

Shri Vilas P. Thali, Advocate for the Applicant.

Coram:- C. V. BHADANG, J.

Date:- 31st August 2018

P.C.

This is an application for bringing the legal representatives of the deceased respondent no. 4, on record. The proposed respondent nos. 4(a) to 4(f) are served. None appears for the proposed legal representatives, inspite of service and opportunity being granted.

2. The learned Counsel for the applicant submits that although, the respondent no. 4 has died on 16.12.2013, the intimation of his death was not in accordance with Order XXII, Rule 10A of CPC, till recently i.e. 31.08.2017. He, therefore, submits that the application filed on 05.09.2017 is within time.

3. Be that as it may, considering the fact that the intimation of the death of the respondent no. 4 is stated to be given on 31.08.2017 and the proposed legal representatives have chosen not to file any reply, opposing the application, the same is allowed. Necessary incorporation to be carried out within two weeks.

4. The civil application is disposed of.

C. V. BHADANG, J.

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