

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1193 OF 2018

RITINHA C. MONTEIRO., ... Petitioner

Versus

JOSHUA MONTEIRO AND 2 ORS., ... Respondents

Shri Ryan Da Piedade Menezes, Advocate for the petitioner.

Coram:- C. V. BHADANG, J.

Date:- 17th December 2018

P.C.

Heard Shri Menezes, the learned Counsel for the petitioner, for some time.

2. It is not disputed that the respondents are the legal heirs of the deceased defendant no.1 Mrs. Maria Artwmiai Monteiro. However, the contention is that looking to the nature of the dispute, the respondents cannot represent the estate of the deceased defendant no.1. It is, thus, contended that the learned Trial Court was in error in observing in the impugned order dated 31/01/2018, permitting the respondents to make an endorsement, that the respondents (plaintiff nos.1 and 2) and the petitioner (defendant no.2) are the LR's of defendant no.1. The petitioner filed an application for review, which was decided by the Trial Court on 18/08/2018 and in para 12 of the said order, the Trial Court has clarified that merely allowing the plaintiffs to make an endorsement, does not amount to bringing the LR's on

record. This, in my considered view, sufficiently takes care of the apprehension expressed on behalf of the petitioner. After the death of the original defendant no.1, the dispute is essentially now between the petitioner and the respondent nos.1 and 2, which shall be decided on its own merits and in accordance with law.

3. Subject to this, the petition is disposed of.

C. V. BHADANG, J.

SMA