

IN THE HIGH COURT OF BOMBAY AT GOA**MISC. CIVIL APPLICATION NO.51 OF 2017****IN****SECOND APPEAL NO.40 OF 2010**

Mr. Sergio Euclides D'Silva

.... Applicants

V/s

Hanumantrao A. Rane (dec.)

thr. LR's & Ors.

....Respondents

Shri Kishan C. Padgaonkar, Advocate for the Applicants.

Coram : PRITHVIRAJ K. CHAVAN, J.**Date : 20th September, 2019****ORDER :**

On 17/03/2017, following order was passed:

“Heard Mr. T. Pereira, learned counsel appearing for the applicants and Ms. T. Ghanekar, learned counsel appearing for the respondents.

2. This is an application to bring the legal representatives of the deceased respondent no.1 on record.

3. It is stated that the application is within time. Hence, the application is allowed. The legal representatives of the deceased respondent no.1 as reflected at para 2 of the application are ordered to be brought on record. Amendment to be carried out within two weeks.

4. Ms. T. Ghanekar, learned counsel waives service on behalf of the legal representatives of the deceased respondent no.1.

5. The application stands disposed of accordingly.”

2. Thereafter, Misc. Civil Application no.469 of 2017 was filed for recall of the above order and on 20/07/2017 following order was passed in the said civil application:

“Heard.

This is an application to recall the Order dated 17.03.2017 as it was pointed out by the learned Counsel appearing for the Respondents that he was not appearing for the legal representatives of the deceased Respondent no. 1.

2. Hence, by consent, the Order dated 17.03.2017 stands recalled.

3. Issue notice to the legal representatives of the Respondent no.1, returnable on 24.08.2017.”

3. Pursuant to an order passed on 20/07/2017, notices came to be issued to the legal representatives of respondent no.1. They have been incorporated as legal representatives by effecting necessary amendment in the memo of appeal. However, since the Counsel for the respondent made a statement before the Court that he was not appearing for the legal representatives of the deceased respondent no.1, and, therefore, by order dated 20/07/2019 this Court had recalled the order dated 17/03/2017.

4. Since the legal representatives have already been incorporated in the memo of appeal being the contesting

respondents, a formal notice is required to be issued.

5. As such, issue notice to the legal representatives of respondent no.1 returnable on 18/10/2019.

6. Application stands disposed of.

PRITHVIRAJ K. CHAVAN, J.

NH