

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.249 OF 2018
IN
STAMP NUMBER (APPLN.) NO.983 OF 2018

Reginald Baptist Lobo & Ors. Applicants.

Versus

Robert D'Souza & Ors. ... Respondents

Shri Sudin M.S. Usgaonkar, Senior Advocate with Shri B. Khandeparkar, Advocate for the Applicants.

Shri G. Usgaonkar, Advocate for the Respondents No.1 & 2.

Coram : NUTAN D. SARDESSAI, J.

Date : 23rd January, 2019

ORAL ORDER :

Shri Sudin Usgaonkar, learned Senior Counsel for the applicants submits that the respondent no.3 has expired whose legal representatives are already on record as the respondents no.4(a) to 4(f). He seeks leave to carry out the necessary correction in the cause title. Leave granted. Amendment to be carried out forthwith.

2. It has been the contention of the learned Senior Counsel appearing for the applicants that the applicants have amply made out a case for condoning the delay particularly considering that the review is proposed on the ground that new

documents are traced by the parties which have a bearing on the outcome of the proceedings. He then addressed himself to the fact that the son of the applicant no.2 who had acquired a law degree had pursued his profession, taken keen interest and in that course had stumbled upon the documents which are now sought to be relied upon in the review proceedings. The applicants therefore could not be confined to a mere 30 days period considering the very import of the application to pursue the review application on the production of new and important documents discovered by the party. The said exercise took considerable time and therefore the delay had to be condoned.

3. Shri G. Usgaonkar, learned Advocate for the respondents no.1 & 2 contended that the documents which were now sought to be produced in the course of the review application under consideration were those forming the subject matter of the proceedings before the Inventory Court and therefore there was no discovery of new and important documents which could form the foundation for the review application. However, there has been no singular dispute to the fact that the son of the applicant no.2 had stumbled upon these documents in the course of his study and they were relevant for

the purpose of deciding the review application.

4. Considering the fact that these documents which are sought to be produced in the review application are public documents where there is no scope to contend that these were manufactured or fabricated documents and the fact that the applicants have made out a sufficient cause for the condonation of delay, the application is allowed. The Registry to register the review application. Liberty is granted to the applicants to carry out necessary changes in the cause title of the review application forthwith.

NUTAN D. SARDESSAI, J.

NH