

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 872 OF 2019

IN

STAMP NUMBER MAIN NO. 1652 OF 2018

BENTO REBELLO (DEC) AND ANR., ... Applicants

Versus

GREGORIO REBELLO AND ANR., ... Respondents

Shri I. Santimano, Advocate for the Applicant.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 4th October, 2019

P.C.:

The appellant is said to have died on 24/11/2017. However, the appellant no.2 is the widow of the appellant no.1, who is already on record, and, therefore, it is submitted that the Second Appeal would not abate, as right to sue survives to the surviving widow.

2. It is submitted that there is a delay of nine months for bringing other legal representatives of deceased appellant no.1 on record. The reason put forth by the appellant no.2 is that, due to oversight, it could not be done within the period of limitation.

3. As such, the delay is condoned. The legal representatives of the deceased appellant no.1 be brought on record by amending the appeal memo suitably within a period of one week from today.

4. Application stands disposed of.

PRITHVIRAJ K. CHAVAN, J.

NH