

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 621 OF 2018

IN

FIRST APPEAL NO. 72 OF 2014

NARAYAN GUNO NAIK (DEC) THROUGH
HIS LR'S.,

... Applicant

Versus

MANGESH BHIKU NAIK GAONKAR AND 8
ORS.,

... Respondents

Adv. Prashil Arolkar for the Applicant.
None for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 1st February 2019

P.C.:

This is an application for condonation of delay, setting aside abatement and bringing on record the legal representatives of the deceased respondent no.1(b) on record.

2. The respondent no.1(b) died on 16/4/2013. However, there is a specific statement made in the application, that the applicant was not aware of his death and the applicant become aware of the death of the said respondent only when the death certificate of the respondent no.1(b) was furnished by the advocate on 26/7/2018. Order 22 Rule 10-A of C.P.C provides for the duty of the advocate to communicate to the court about the death of the

party. In the present case it does appear that on account of the fact that the death was not reported to the Court that the applicant was not able to take steps for bringing the legal representatives of the deceased respondent no.1(b) on record.

3. The proposed legal representatives are served, however none appears.

4. On hearing the learned counsel for the applicant and the considering the other circumstances, the application is allowed as prayed. Necessary incorporation of the legal representatives shall be carried out within one week from today.

5. The civil application is disposed off.

C. V. BHADANG, J.

ap/-