

**IN THE HIGH COURT OF BOMBAY AT GOA****MISC.CIVIL APPLICATION NO. 693 OF 2016****IN****STAMP NUMBER MAIN NO. 3909 OF 2015****AND****MISC.CIVIL APPLICATION NO. 104 OF 2017****IN****STAMP NUMBER MAIN NO. 3909 OF 2015****ANITA L. D\ 'SILVA AND 3 ORS.,****... Applicants****Versus****HERCULANO ERNESTO LACERDA  
(DECEASED) AND 6 ORS.,****... Respondents**

Adv. Mr. V. Sawant for the Applicants.

Adv. Mr. I. Santimano for the the Respondents.

**Coram:- DAMA SESHADRI NAIDU, J.****Date:- 17th January 2020****P.C.:**

The 2<sup>nd</sup> respondent died on 14<sup>th</sup> February 2016 and the 3<sup>rd</sup> respondent on 28<sup>th</sup> February 2016. To bring the legal heirs of those respondents on record, the appellants have filed M.C.A No.693/2016. He filed that application with a delay. As to the 2<sup>nd</sup> respondent, the delay is 96 days; and the 3<sup>rd</sup> respondent, 82 days. To have the delay condoned, the appellants have filed MCA No.104/2017.

Heard the learned counsel for the appellants and the learned counsel for the respondent no.2(ii).

Despite the opposition by the respondents' counsel, I reckon the appellants have sufficiently explained the delay for their not filing M.C.A No.693/2016 on time. Thus, the delay stands explained. So it is condoned.

Consequently, the abatement, too, stands set aside. The appellants will bring on record the legal representatives of the deceased 2<sup>nd</sup> and 3<sup>rd</sup> respondent; amendment to be carried out in two weeks after the order is uploaded.

**DAMA SESHADRI NAIDU, J.**

**ap/-**