

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO.40 OF 2021

IN

SECOND APPEAL NO.11 OF 2010

KASHINATH JAIRAM SHETYE

... Applicant

VS

DEELIP RAGHAVENDRA SHETYE

AND 2 ORS

... Respondents

Mr. Ryan Menezes and Mr. Nigel Fernandes, Advocates for the Applicant.

Ms. Tanvi Kamat Ghanekar, Advocate for the Respondents.

Coram : M. S. SONAK, J

Date : 18th March 2021

P.C.

Heard Mr. R. Menezes, learned counsel for the Applicant. He points out that the Appellant No.1 has since expired and therefore, this application has been taken out to condone the delay and bring on record the legal representatives of the deceased Appellant No.1.

2. Mr. Menezes submits that the deceased Appellant No.1 Srikrishna was married to Ms. Sangeeta. However, this marriage was dissolved by a decree of divorce and therefore according to him, Ms. Sangeeta is not required to be impleaded to these proceedings. Mr. Menezes also stated that Ms. Divya, the only daughter who is now sought to be brought on record is a minor. He also stated that since the

relationship between the surviving Appellant No.2 and said Ms. Divya is a bit strained, a prayer is made to implead Ms. Divya as the Respondent to this appeal.

3. This application has not opposed by Ms. Tanvi Kamat Ghanekar, the learned counsel appearing on behalf of the Respondents.

4. Accordingly, the delay in filing this application is hereby condoned. Ms. Divya Shetye is permitted to be impleaded as Respondent No.4. However, Ms. Divya Shetye will have to be represented by her natural guardian Ms. Sangeeta Shetye.

5. In addition, even Ms. Sangeeta Shetye is directed to be impleaded as Respondent No.5 without prejudice to the rights and contentions of the surviving Appellant No.2.

6. Amendment to be carried out within one week from today. Thereafter, the steps to be taken to effect service upon the Respondent Nos.4 and 5. Accordingly, issue notice to these newly impleaded parties, returnable on 15th April 2021.

7. In addition to the usual mode of service, the private service/Humdast is permitted.

8. The surviving Appellant to take necessary steps including the payment of process fees within a period of one week from today. The surviving Appellant to file affidavit of service.

9. The Misc. Civil Application No.40 of 2021 is disposed of in the aforesaid terms.

M. S. SONAK, J.

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TARI AMRUT
NAGESH

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