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**IN THE HIGH COURT OF BOMBAY AT GOA.
MISC. CIVIL APPLICATION NO.240 OF 2021
IN
SECOND APPEAL NO.144 OF 2012**

PEDRO ANTONIO HIPOLITO
LOPES ... Applicant
VS
MARIA ANTONIETA
FILOMENA COSTA (DEC)
REP. BY LR 2 TO 7 AND 6
ORS Respondents.

Mr. V. Braganza, Advocate for the applicant.
Mr. N. Fernandes, Advocate for the respondent nos. 4 and 5.

**CORAM: MANISH PITALE, J.
DATED: 8th December, 2021.**

P.C.:

- 1.** By this application, the applicant/original appellant seeking permission to bring on record legal representatives of respondent nos. 2, 6 and 7 who died during the pendency of the appeal
- 2.** In paragraph 3 of the application it is specifically stated that when the learned counsel appearing for the respondents informed the learned counsel for the appellants on 24.3.2021 about the death of the respondent nos.2, 6 and 7, present application was moved for consideration. It was brought to the notice of this Court that due to the COVID-19 Pandemic,

and consequent directions given by the Government, the application could not be moved immediately.

3. In so far as respondent no.2 is concerned, it is stated that he passed away on 8.12.2014 and his wife is already on record as respondent no. 7 and therefore, his children need to be brought on record in the appeal.

4. Although the learned counsel appearing for the respondent nos. 4 and 5 has opposed the prayer made in the application, in the interest of justice, this Court deems it appropriate to allow the application so that appeal can be contested on merits.

5. Hence, the application is allowed in terms of prayer made therein. Accordingly, the legal representatives of the deceased respondent nos. 2, 6 and 7, details of whom are given in the application, are permitted to be brought on record. Amendment to be carried out within a period of two weeks from today.

6. Consequently, issue notice to the legal representatives of deceased respondent nos. 2, 6 and 7 who have been permitted to be brought on record. Notice shall be made returnable on 19.1.2022.

7. Application is disposed of.

MANISH PITALE,J.

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS NAIK
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