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**IN THE HIGH COURT OF BOMBAY AT GOA.
MISC. CIVIL APPLICATION NO.225 OF 2019
IN
SECOND APPEAL NO.33 OF 2005**

BALKRISHNA N. NAIK
GIABJAR(DEC) THR. HIS
LRS AND ANR.

.... Applicants.

VS

PURSHOTTAM V. DESSAI (DEC)
AND 3 ORS.

.... Respondents.

Ms. R. Pereira, Advocate for the applicants.

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

P.C.:

1. This is an application for bringing on record legal representatives of the deceased respondent nos.1 and 2 who have died during the pendency of the appeal. Prayers for condonation of delay and setting aside abatement are made in the present application.

2. It is stated that when the appeal was taken up for hearing, the learned Counsel appearing for the respondents informed the applicants/appellants about the death of respondent nos.1 and 2.

3. According to the appellants, steps were immediately taken to move the present application and it is further

informed that notice has been duly served on all the parties, including the proposed legal representatives.

4. When the application is called out for hearing, none appeared on behalf of the respondents/proposed legal representatives.

5. Hence, for the reasons stated in the application, the same is allowed. Delay is condoned, abatement is set aside and the legal representatives of deceased respondent nos.1 and 2, details of whom are given in paragraphs 6 and 7 of the application, are permitted to be brought on record. Amendment to be carried out within a period of two weeks from today.

6. Application stands disposed of.

MANISH PITALE,J.