

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC. CIVIL APPLICATION NO.611/2019
IN
SECOND APPEAL NO.82/2005**

KESHAV VITHAL PRABHU
GAONKAR AND ANR.

... Applicants

Versus

TAMBDO THULO GAONKAR (DEC)
THR. HIS LRS. AND 12 ORS.

... Respondents

Ms. Rosette Pereira, Advocate for the Applicants.

Mr. P. Kakodkar, Advocate for Respondent Nos. 9 to 13.

Mr. Shane Gomes Pereira, Advocate for Respondent Nos. 2(a) to 8(f).

CORAM: M. S. SONAK, J.

DATED: 8th SEPTEMBER 2022

P.C.:

1. Heard Ms R. Pereira, learned counsel for the Applicants, Mr S. Pereira and Mr P. Kakodkar, learned counsel for some of the Respondents.

2. Mr S. Pereira states that he will correct paragraph 1 of the reply dated 01.08.2019 forthwith. Leave granted.

3. In this case, although the delay in bringing the legal representatives of the Respondent No.3 is substantial, a proper explanation has been furnished. In such matters, it is not the delay's length but the explanation's quality that matters. The Applicants are pursuing this matter quite diligently. There are several Respondents. The explanation that they missed bringing legal representatives on record because they were not aware of the Respondent's death is not unreasonable. The Applicants have gained nothing in the bargain.

4. Accordingly, the delay is condoned, abatement is set aside and leave is granted to bring on record the legal representatives of the deceased Respondent No.3.

5. Necessary amendment to be carried out within two weeks.

6. Mr Pereira states that he will now appear on behalf of all the legal representatives.

7. The Misc. Civil Application is disposed of.

M. S. SONAK, J.