

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO.262 OF 2022

IN

SECOND APPEAL NO.32 OF 2015

SHAILEJA SADANAND

NAIK AND 3 ORS.

.... APPLICANTS

Versus

SANTOSH PUNDALIK

SHIRODKAR AND 20 ORS.

.... RESPONDENTS

**Ms. T. Mashelkar holding for Ms. Vinita Palyekar, Advocate
for the Applicants.**

**Mr. Sarvesh Sawant, Advocate for Respondent
Nos.1,2(a),2(b),3,8,9,10.**

CORAM: M. S. SONAK, J.

DATE : 22nd SEPTEMBER 2022

P.C. :

1. Heard Ms. Mashelkar for the applicants and Mr. Sarvesh Sawant for the respondent nos.1,2(a),2(b),3,8,9,10.

2. This application seeks dispensation of service upon respondent nos.11 to 20. Ms. Mashelkar points out that these respondents had been marked ex-parte before the Trial Court and in appeal. Mr. Sawant points out substantial question of law at clause 2(d) in the order dated 26.06.2015.

3. The application can be allowed subject to the risk and consequences of the applicants. Accordingly, the application is allowed at the risk and consequences of the applicants. With this, Mr. Sawant will be entitled to urge that the appeal is rendered infirm in the absence of service upon the said respondents. The applicants will also be entitled to urge to the contrary. This matter will be considered at the stage of final hearing.

4. Misc. application is disposed of in the above terms.

5. Since the Second Appeal relates to the year 2015, place the same for final hearing on the cause list for 06.10.2022.

M. S. SONAK, J.

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HALDANKAR

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