

Niti

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.992 OF 2018
IN
FIRST APPEAL NO.184 OF 2006

PANDURANG BABUSSO
NAIK DESSAI (DEC) & ANR. ...APPLICANTS

Versus

GOVT OF GOA REP.,
THROUGH ITS CHIEF
SECRETARY AND 48 ORS. ...RESPONDENTS

Mr. A. Sawant, Advocate for the Applicants.
Mr. V. Parsekar, Advocate for Respondent Nos.3(a),3(b),4(b),5(a) to 5(d) & 6 to 8.

CORAM: M. S. SONAK, J.

DATED: 1st APRIL 2022

P.C. :

1. Heard Mr. A. Sawant, learned Counsel for the applicant and Mr. V. Parsekar, learned Counsel for the respondent nos. 3(a),3(b),4(b),5(a) to 5(d) & 6 to 8.
2. Mr. Sawant states that all the respondents have been duly served in this matter.
3. This is an application to condone the delay in setting aside abatement and for setting aside abatement on account of not bringing on record the legal representatives of deceased

respondent no.30. Mr. Sawant points out that respondent no.31 is the spouse of deceased respondent no.30 and, in that sense, the estate was sufficiently represented on the record. He points out that the delay was occasioned on account of circumstances beyond the control of the appellant and the same have been set out in detail in paragraphs 2 to 7 of this application.

4. No reply has been filed to contest the aforesaid averments. Accordingly, it is reasonable to hold that sufficient cause has been shown explaining the delay.

5. This application is accordingly allowed, the delay is condoned, abatement is set aside and the legal representatives of the deceased respondent no.30 are permitted to be brought on record.

6. Mr. Sawant states that necessary amendment will be carried out within one week from today. Upon carrying out the amendment, the applicant will have to take steps to serve the legal representatives and file affidavit of service in the appeal.

7. This application is disposed of.

M. S. SONAK, J.

NITI K
HALDANKAR

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NITI K HALDANKAR
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