

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 155 OF 2023
IN
SECOND APPEAL NO. 102 OF 2015

FERDINAND ALOYSIOUS MICHAEL
DSOUZA, SINCE DECEASED, THROUGH
HIS L.R. BENVEMITTA ANNE LAM

... Applicant.

Versus

MARICA ANGELICA LETICIA
DOMINICA FRANCISCO ALIAS MARY
FRANCISCO AND ANR

... Respondents.

Mr Ryan da Piedade Menezes, Advocate *for the Applicant.*

CORAM : M. S. SONAK, J.

DATE : 13th APRIL 2023

P.C. :

1. Mr Menezes, learned Counsel for the Applicants states that this application is clearly within time in so far as request for bringing on record the LR's of deceased Respondent No.2(a) is concerned. Further, he submits that since the estate was represented all along, there is no abatement as such on account of demise of Respondent No.2(b). Only as a matter of caution, condonation of delay is applied for though the same may not strictly speaking be necessary, particularly because the LR's of both the parties are one and the same.

2. Considering the above peculiar circumstance, this Civil Application is allowed. Abatement, if any, is set aside and the Applicant is permitted to bring on record the LR's of the deceased Respondents No.2(a) and 2(b).
3. Mr Menezes states that necessary amendment will be carried out within a week and further steps will be taken within the same time to effect service on the LR's.
4. Civil Misc. Application is disposed of.

M. S. SONAK, J.

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