

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 466 OF 2023
IN
FIRST APPEAL NO. 90 OF 2012
AND
MISC. CIVIL APPLICATION NO. 1039 OF 2022(F)
IN
CROSS OBJECTION NO. 15 OF 2013
IN
FIRST APPEAL NO. 90 OF 2012

Balkrishna Suryaji S. Kakodkar (Dec.) ... Applicant
Thr. LRs.

Versus

Jayashree Ganesh Prabhu & 7 Ors. ... Respondents

Mr. Prayash Shiroadkar, Advocate *for the Applicant.*

Mr. R. G. Ramani, Senior Advocate *with Mr. Rehan Abassi, Advocate for the Respondents.*

CORAM: M. S. SONAK, J
DATED: 22nd DECEMBER, 2023

P.C.

1. Misc. Civil Application No. 466 of 2023 seeks leave to bring on record legal representatives of deceased Respondent no.8. There is a prayer for condonation of delay and setting aside abatement.

2. The Respondent no. 8 had filed Cross Objections No. 15 of 2013 in the Appeal. Accordingly, MCA No. 1039/2022(F) is filed

by the legal representatives of the Cross Objectors that they be brought on record in the Cross Objections.

3. Misc. Civil Application No. 1039/2022(F) was not on board but with the consent of the learned Counsel for the parties, the same is taken on board.

4. The Counsel do not oppose each other's applications. Even otherwise, a case is made out for allowing both the applications considering the cause shown and the law laid down in the case of **Perumon Bhagvathy Devaswom, Perinadu Village vs. Bhargavi Amma (Dead) By Lrs & Ors.**¹.

5. Accordingly, both the Civil Applications are allowed. The delay is condoned. Abatement, if any, is set aside and leave is granted to bring on record the legal representatives.

6. Learned Counsel states that necessary amendment will be carried out within four weeks. They say that they would be appearing on behalf of the legal representatives.

¹(2008) 8 SCC 321

7. Both the Misc. Civil Applications are disposed of without any orders as to costs.

M. S. SONAK, J

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