

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.176 OF 2023

IN

SECOND APPEAL NO.105 OF 2013

RAFAEL FERNANDES

... APPLICANT

Versus

MARCELINA DSOUZA AND 10 ORS

... RESPONDENTS

Mr P. Dangui holding for Mr Nikhil Pai, Advocate for the Applicant.

Mr Nigel Fernandes, Advocate for the Respondents.

CORAM:- M. S. SONAK, J.

DATED :- 22nd September, 2023

P.C.:

Heard the learned counsel for the parties.

2. Sufficient cause has been shown in the application, in particular, the cause due to Covid-19 Pandemic deserves to be accepted.

3. Accordingly, this application is allowed in terms of prayer clauses (a), (b) and (c) which read as follows:

(a) This Hon'ble Court may condone the delay in filing the application for setting aside the abatement and also condone the delay in filing the application to bring legal heirs on record in the present

matter;

(b) This Hon'ble Court be pleased to set aside the abatement of the present Second Appeal against the deceased Appellant No.1;

(c) This Hon'ble Court be pleased to allow the Applicant to bring legal heirs of the deceased Defendant on record and amend the cause title accordingly.

4. Necessary amendments to be carried out within one week from today.

5. Mr Dangui states that Mr Pai who appears on behalf of other Appellants will now appear on behalf of the legal representatives of the deceased Appellants now brought on record. He states that Mr Pai will file the necessary Vakalatnama within 10 days.

6. Misc. Civil Application No. 176 of 2023 is disposed of.

M. S. SONAK, J.