

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.271 OF 2023

JOSE BAPTISTA DMELLO (DEC) THR.
HIS LRS.,

... APPLICANT

Versus

CAJETAN IGNATIUS FERNANDES (DEC)
THR. HIS LRS. AND 2 ORS.,

... RESPONDENT

Ms Sanjana Desai, Advocate for the Applicant.

Ms A. Fernandes, Advocate for the Respondents.

CORAM:- M. S. SONAK, J.

DATED :- 22nd September, 2023

P.C.:

Heard Ms S. Desai, learned counsel for the Applicant and Ms A. Fernandes, learned counsel for the Respondents.

2. The delay is sufficiently explained, in particular, the explanation in paras 10 and 11 deserves to be accepted.

3. Accordingly, this application is allowed in terms of prayer clause (a) which reads as follows:-

(a) To condone the delay of 407 days in filing the application for setting aside abatement, if any, and to bring legal heirs on record of Appellant Nos.1(a) and 1(b) and consequently to amend the cause title

in the Second Appeal as the Appellants No.1(a), 1(b) and Respondent No.3 as deceased.

4. The Applicant to carry out necessary amendments and take steps to serve the legal representatives of the deceased Appellants.

5. Ms Desai states that she will appear on behalf of the legal representatives of the deceased Appellants and necessary Vakalatnama will be filed within 10 days.

6. Misc. Civil Application No.271 of 2023 is disposed of in the above terms.

M. S. SONAK, J.