

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 265/2023
IN
WRIT PETITION NO. 286/2022

JOSE GRACIAS ALIAS JOSE
AMARANTE DE MENINO
JESUS GRACIAS AND ANR

... Applicants.

Versus

ANTONIO PANCECAO
BROWEN (DEC THR. LRS.)
AND 23 ORS

... Respondents.

Mr C.A. Coutinho with Mr I. Santimano, Advocates for the Applicants.

Ms T. Mashelkar, holding for Mr Parag Wagle, Advocate for Respondent No.1(ix).

CORAM : M. S. SONAK, J.

DATE : 27th July 2023

P.C. :

1. Heard Mr Coutinho for the Applicants and Ms T. Mashelkar holding for Mr P. Wagle, Advocate for Respondent No.1(ix).
2. By order dated 27/4/2023, leave was granted to the Applicants/Petitioners to implead parties. The issue of limitation was, however, kept open.
3. The above order was produced before the learned Trial Judge. On the first date, when the Court resumed sitting, on the ground that the amendment was not carried out within 14 days, the learned Trial Judge has declined the Applicants leave to carry out the amendment.

4. Considering the categorical order of this Court and the fact that the amendment was sought to be carried out on the first date after the Court resumed, such an order should not have been made. The impugned order dated 5/7/2023 is set aside and once again leave is granted to the Petitioners to implead parties. The issue of limitation or other objections that the opposite party may have, are kept open.
5. Mr Coutinho states that this time necessary amendment will be carried out within one week from today.
6. Misc. Civil Application No.265/2023 is disposed of.
7. All concerned to act on an authenticated copy of this order.

M. S. SONAK, J.

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