

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.195 OF 2021

WITH

**MISC.CIVIL APPLICATION NO.194 OF 2021, WRIT PETITION
NO.963 OF 2019, MISC.CIVIL APPLICATION NO.1493 OF 2021 (F),
MISC.CIVIL APPLICATION NO.194 OF 2021**

MISC.CIVIL APPLICATION NO.195 OF 2021

IN

MISC.CIVIL APPLICATION NO.194 OF 2021

MOHAN POKO NAIK

... APPLICANT

Versus

LAMARTINE FERMINO ROCHA (DEC) THR.

LRS. AND 5 ORS

... RESPONDENTS

WITH

MISC.CIVIL APPLICATION NO.194 OF 2021

IN

WRIT PETITION NO.963 OF 2019

MOHAN POKO NAIK

... APPLICANT

Versus

LAMARTINE FERMINO ROCHA (DEC) THR.

LRS. AND 5 ORS

... RESPONDENTS

WITH

WRIT PETITION NO.963 OF 2019

MOHAN POKO NAIK.,

... PETITIONER

Versus

LAMARTINE FERMINO ROCHA AND 5

ORS.,

... RESPONDENTS

WITH

MISC.CIVIL APPLICATION NO.1493 OF 2021 (F)

IN

WRIT PETITION NO.963 OF 2019

MOHAN POKO NAIK

... APPLICANT

Versus

LAMARTINE FERMINO ROCHA AND 5 ORS

... RESPONDENTS

WITH

MISC.CIVIL APPLICATION NO.194 OF 2021

IN

WRIT PETITION NO.963 OF 2019

MOHAN POKO NAIK

... APPLICANT

Versus

LAMARTINE FERMINO ROCHA (DEC) THR.
LRS. AND 5 ORS

... RESPONDENTS

Mr. Deepak Gaonkar, Advocate for the Applicant.
Ms. S. Drago, Advocate for the Respondent no.2.

CORAM:- M. S. SONAK, J.

DATED :- 21st December, 2023

P.C.

Heard Mr. Gaonkar, learned Counsel for the Applicant and Ms. Drago, learned Counsel for the Respondent nos. 2 and 4.

2. This is an application seeking condonation of delay in bringing the legal representatives of deceased Respondent no.1 on record.
3. The application states that earlier the Applicants had applied to the Court for bringing on record the legal representatives of the first Respondent. However, after it was pointed out that there were other heirs, a fresh application was filed and therefore the delay.
4. Considering the averments in the Civil Application and the law laid down in Perumon Bhagvathy Devaswom, Perinadu Village vs. Bhargavi Amma (Dead) by Lrs & Ors. [(2008) 8 SCC 321], the delay is condoned. Leave is granted to bring on record the legal representatives of the first Respondent, by setting aside the abatement, if any.

5. Mr. Gaonkar states that necessary amendment will be carried out within two weeks and even steps will be taken within this period to serve the legal representatives.

6. Ms. Drago, learned Counsel for the Respondent no.2, opposes the condonation by pointing out that the delay is of 587 days. However, the record bears that no reply has been filed by the parties represented by Ms. Drago to fashion her submission. In any case, most of the averments appear to be a matter of record.

7. Accordingly, MCA nos. 194 and 195 of 2021 are disposed of.

M. S. SONAK, J.

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