

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.197 OF 2014

IN

FIRST APPEAL NO.14 OF 2006

EVARISTO R. SEQUEIRA REP. BY HIS

ATTORNEY JESUS SEQUEIRA

... APPLICANT

Versus

PETER FURTADO AND 12 ORS.,

... RESPONDENTS

Mr. Somnath Karpe with Mr Abhishek Sawant and Mr Anand Shirodkar, Advocates for the Applicant.

Mr. P. Kakodkar, Advocate for Respondents No.1(a) and 13.

CORAM:- VALMIKI SA MENEZES, J.

DATED :- 8th November, 2023

P.C.:

1. On instructions, the learned Advocate for the Applicant makes a statement that the application erroneously records the death of Respondent No.12, which should actually read as death of Respondent No.11 (Elesbao Pereira) whose death certificate has in fact been produced at page 6 (Exhibit A) of the application dated 29/7/2008 under Entry No.2318, which is yet to be registered. The correction shall be recorded forthwith, in this application.

2. This is an application for condonation of delay of 2 years, 3 months and 6 days to bring the LRs of the deceased Respondents No.4(a) and 11, on record. The application is vehemently opposed by

Mr P. Kakodkar, learned Advocate for Respondents No.1(a) and 13, who has submitted that the original application for bringing the LRs on record was filed without an application for condonation of delay, after which no office objections were cleared by filing necessary application, after which the Registrar dismissed the application for default.

3. After this order was set aside in a revision filed before this Court, this application came to be filed and hence, there has been an inordinate delay and negligence on the part of the applicant to take steps to bring the LRs on record.

4. Having considered the record of the application and the reasons set out therein for condoning the delay, I am of the opinion that the application is required to be allowed and is, hereby, allowed. However, considering the inordinate delay in clearing the office objections, and filing necessary application to condone the delay within the time specified under the rules, some cost is required to be imposed to mitigate the hardships that the Respondents have undergone due to the delay since the application for condonation of delay was filed only in the year 2013 and has taken 10 years to be heard.

5. In that view of the matter, the application is allowed on payment of cost of Rs.10,000/-, which shall be paid to the learned Counsel for Respondents No.1(a) and 13, as a condition precedent, before carrying

out the necessary amendment to the cause title. The cost to be paid within a period of one week from today.

6. The application stands disposed of.

VALMIKI SA MENEZES, J.

SANTOSH
S MHAMAL

Digitally signed by
SANTOSH S MHAMAL
Date: 2023.11.09
10:08:42 +05'30'