

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.16 OF 2024

IN

STAMP NUMBER MAIN NO.1845 OF 2019 (F)

TUKARAM VINAYAK MALVANKAR

... APPLICANT

Versus

VELDA ESPERANCE PRECIDES DSOUZA

AND 5 ORS

... RESPONDENTS

Ms P. Volvoikar, Advocate for the Applicant.

Mr Ajay Menon, Advocate for Respondent Nos1 and 2.

CORAM:- M. S. SONAK, J.

DATED :- 19th January, 2024

P.C.:

Heard Ms P. Volvoikar for the applicant and Mr Ajay Menon for the respondents.

2. Ms Volvoikar submits that respondent nos.5 and 6 were marked ex-parte before the First Appellate Court. Besides, she submits that there are considerable difficulties in obtaining their correct address. On these grounds, she submits that service of notice on respondent nos.5 and 6 may be dispensed with.

3. Service on respondent nos.5 and 6 is dispensed with subject to the consequences being borne by the applicant. If, ultimately, it is found that these respondents were necessary parties, then, the applicant will

not be permitted to take benefit of this dispensation.

4. Accordingly, this application is allowed, subject to the above rider.
Application stands disposed of.

M. S. SONAK, J.

NITI K
HALDANKAR

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