



Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.388 OF 2024

WITH

**SECOND APPEAL NO.34 OF 2014, MISC.CIVIL APPLICATION
NO.500 OF 2024**

MISC.CIVIL APPLICATION NO.388 OF 2024

NICHOLAS SEQUEIRA AND ANR

... APPLICANTS

Versus

CONSTANCIO REBEIRO AND ANR

... RESPONDENTS

WITH

SECOND APPEAL NO.34 OF 2014

NICHOLAS SEQUEIRA THR. HIS
CONSTITUTED P. O. A. LOURENCO
INACIO GONSALVES AND ANR.,

... APPELLANTS

Versus

CONSTANCIO REBEIRO THR. HIS
CONSTITUTED ATTORNEY NETTY
GONSALVES AND ANR.,

... RESPONDENTS

WITH

MISC.CIVIL APPLICATION NO.500 OF 2024

IN

SECOND APPEAL NO.34 OF 2014

CONSTANCIO REBEIRO THR. HIS
CONSTITUTED ATTORNEY NETTY
GONSALVES AND ANR.,

... APPLICANTS

Versus

NICHOLAS SEQUEIRA THR. HIS
CONSTITUTED P. O. A. LOURENCO
INACIO GONSALVES AND ANR.,

... RESPONDENTS

Mr Premanand Kholkar, Advocate for the applicants.

Mr Omkar Kulkarni, Advocate for the respondents.

CORAM:- BHARATI H. DANGRE, J.

DATED :- 20th March, 2025

P.C.:

1. The application seeks to bring legal heirs of respondent No.1 on record in the wake of his demise on 29.01.2023.

It also seeks relief of condonation of the delay in filing the above application and seek for setting aside of abatement.

2. Heard learned counsel for the applicants and perused the application.

It is from learned counsel for the respondent, the applicant was intimated about the death of respondent No.1 on 29.01.2023 at United States of America and the death certificate certifying his death was also handed over.

Immediately thereafter, necessary inquiries were made to ascertain legal heirs of respondent No.1 and on gaining necessary information, the application was taken out but there is a delay of 497 days in filing the application.

3. Since the application has set out specific reasons why the death of respondent No.1 was not known to the applicant and since I find that the immediate steps were taken, the application deserves to be allowed by condoning the delay in bringing the legal heirs of respondent No.1.

4. The legal heirs of respondent No.1 as mentioned in paragraph 5 of the application are permitted to be brought on record by amending the appeal memo of the Second Appeal within two weeks from today.

Upon amendment is being carried out, issue notice to the newly added legal heirs of respondent No.1 by making it returnable on 24.04.2025. It is to be noted that the wife of respondent No.1 i.e. respondent No.2 is already on record.

In the wake of passing of the aforesaid order, Misc. Civil Application No.500 of 2024 do not survive and hence disposed of.

BHARATI H. DANGRE, J.