



Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.377 OF 2024

WITH

**SECOND APPEAL NO.84 OF 2013, MISC.CIVIL APPLICATION
NO.1978 OF 2024 (F)**

MISC.CIVIL APPLICATION NO.377 OF 2024

IN

SECOND APPEAL NO.84 OF 2013

NOVA SHARES AND SECURITIES A
PARTNERSHIP REP. BY PARTNERS,
RAJESH CHEDDA AND ANR.

... APPLICANT

Versus

ABRAHAM CHANDI REP. BY HIS MOTHER
ELIZABETH CHANDI AND 2 ORS.

... RESPONDENTS

WITH

SECOND APPEAL NO.84 OF 2013

NOVA SHARES AND SECURITIES A
PARTNERSHIP REP. BY PARTNERS,
RAJESH CHEDDA AND ANR.

... APPELLANTS

Versus

ABRAHAM CHANDI REP. BY HIS MOTHER
ELIZABETH CHANDI AND 2 ORS.

... RESPONDENTS

WITH

MISC.CIVIL APPLICATION NO.1978 OF 2024 (F)

IN

SECOND APPEAL NO.84 OF 2013

NOVA SHARES AND SECURITIES A
PARTNERSHIP REP. BY PARTNERS,
RAJESH CHEDDA AND ANR.

... APPLICANT

Versus

ABRAHAM CHANDI REP. BY HIS MOTHER
ELIZABETH CHANDI AND 2 ORS.

... RESPONDENTS

Mr S. M. Singbal, Advocate for the applicants.

Ms S. Parulekar, Advocate for respondent No.1.

CORAM:- BHARATI H. DANGRE, J.

DATED :- 20th March, 2025

P.C.:

1. The application seeks condonation of delay of 1230 days in setting aside abatement against respondent No.2.

Misc. Civil Application No.1978 of 2024 (F) is also filed for bringing legal heirs of respondent No.2 on record.

2. Heard learned counsel for the applicants and learned counsel for respondent No.1.

The application is taken out in Second Appeal which is already admitted and awaiting final hearing before this Court.

The application proceeds to state that the Advocate for the respondent on record intimated about the death of respondent No.2 on 05.08.2024 upon receipt of the death certificate and that is how the factum of the death of respondent No.2 came to the knowledge of the applicants.

A perusal of the death certificate dated 05.08.2024 certify that P.I.Chandy-respondent No.2 has expired on 31.03.2018 at Kochi.

One of the legal heirs of respondent No.2 is already on record and therefore, it is prayed that the delay in bringing the legal

heirs of respondent No.2 on record shall be condoned as the knowledge about his death was acquired at a later stage.

Considering the bonafides of the said application, Misc. Civil Application No.377 of 2024 is made absolute in terms of prayer clause (a).

3. As far as Misc. Civil Application No.1978 of 2024 (F) is concerned, it seeks impleadment of legal heirs of respondent No.2 in the proceedings pursuant to his death on 31.03.2018.

Since I have already condoned the delay in setting aside abatement, the said application also deserves to be allowed by bringing legal heirs of respondent No.2 on record as set out in paragraph 5 of the application, by amending the cause title of the appeal memo. The application is made absolute in terms of prayer clause.

4. The legal heirs of respondent No.2 are permitted to be brought on record by setting aside abatement within a period of two weeks from today.

Upon amendment is being carried out, issue notice to the newly added respondent Nos.2(a) to 2(c) by making it returnable on 02.05.2025.

5. Misc. Civil Application Nos.377 of 2024 and 1978 of 2024
(F) are disposed of.

BHARATI H. DANGRE, J.