

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.494 OF 2024

IN

SECOND APPEAL NO.10 OF 2011

FR. ANTONIO NICOLAU FLORINDO
(DEC.) GRACIAS PEREIRA COMMONLY
KNOWN AS FR. NICOLAU PEREIRA, BY
LRS

... APPLICANTS

Versus

MARIA AMALIA AGONIZZANTE (DEC.)
BASILIA DOS REIS PEREIRA ALIAS
MARIA AMALIA PEREIRA AND 5 ORS

... RESPONDENTS

Mr J. Godinho, Advocate for the applicants.

CORAM:- BHARATI H. DANGRE, J.

DATED :- 20th March, 2025

P.C.:

The application is filed for bringing the legal heirs of respondent No.4 on record by amending the memo of appeal and also praying to condone the delay of 442 days in filing the application.

Perused the application, which specifically states that the Court had issued notice on 05.12.2023 to the respondents and the notice issued to respondent No.4 returned back with a bailiff remark "addressee expired". When further inquiries were made by the applicants, it was informed that respondent No.4 Suresh Kharangate has passed on 03.05.2023 and left behind his wife and children.

2. The application states that only upon the bailiff's report, they got knowledge about the death of respondent No.4 and therefore, the delay of 442 days is caused in filing the application.

3. Since the reasons stated in the application appear to be bonafide, the application is allowed in terms of prayer clause (a).

The legal heirs of respondent No.4 as mentioned in para 3 of the application shall be brought on record by amending the appeal memo as well as pending Misc. Civil Application within four weeks from today. The application is disposed of.

Upon amendment is being carried out, issue notice to the newly added respondents by making it returnable on 25.04.2025.

BHARATI H. DANGRE, J.