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IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO.2637/2024 (F)

IN

FIRST APPEAL NO.64/2018

JOANA PINTO BARRETO & 2 ORS.

... APPLICANTS

Versus

STATE OF GOA THROUGH
ITS CHIEF SECRETARY, GOVT.
OF GOA AND 23 ORS.

... RESPONDENTS

Mr J. A. Lobo, Advocate for the Applicants.

Ms A. Razaq, AGA for Respondents No.1 and 2.

Mr Silvester Cotta, Advocate for Respondents No.23(b)(a) and
23(b)(b).

CORAM: VALMIKI MENEZES, J.

DATED: 9th APRIL 2025

P.C. :

1. The Registry to waive office objections and register the matter.

2. Respondent Nos.23(b)(a), and 23(b)(b) have filed an affidavit dated 18.02.2025 opposing the application, stating that respondent no.23(b) expired over thirteen years ago without the legal representatives being brought on record. Mr J. A. Lobo appearing for the applicants disputes this position and submits that when notice of Misc. Civil Application No.174/2020 was

issued to the legal representatives of respondent no.23, which include respondent no.23(b), the same was served/received by respondent no.23(b)(a) and 23(b)(b) on his behalf.

3. This was not brought to the notice of the Court at the relevant time by those respondents. Mr Lobo submits that the application ought to be allowed as there is no delay attributed to the applicants, who were under a bonafide belief that the service on respondent no.23(b) was complete at the relevant time.

4. Considering this position on the record, the application is allowed and the legal representatives of deceased respondent no.23(b), whose names are stated in paragraph 9 of the application, shall be impleaded as respondents no.23(b)(a) and 23(b)(b). Amendment to be carried out to the cause title within a week from today.

5. After the amendment is carried out, issue notice of the First Appeal to the newly added respondents no.23(b)(a) and 23(b)(b) returnable on 20.06.2025. In addition to the usual mode of service, the notice is allowed to be served by all permissible modes such as registered post A/D, email and whatsapp. Affidavit of service be filed by 19.06.2025.

6. Misc. Civil Application No.2637/2024 (F) is disposed of.

VALMIKI MENEZES, J.