



Suzana

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO 108 OF 2025
IN
SECOND APPEAL NO.63 OF 2022

Savlo Babuli Chari (dec) thr.
LRs. And 3 Ors.

... Applicants

Versus

Jayanti S. Pai (dec) thr. LRs And 4
Ors.

... Respondents

Mr Pranav Shenvi S. Kakodkar, Advocate for the Applicants.

CORAM : JITENDRA JAIN, J.
(Vacation Court)

DATED : 14th MAY, 2025.

P.C.:

1. Heard learned Counsel for the applicant. Affidavit of service on respondents no.2 to 5 is filed by one Shri Pradip Chari, who is present in the Court. The affidavit states that respondents no.4 and 5 have refused to accept the service. However, by Registered AD the present Civil Application has been served. Insofar as respondent no.2 and 3 are concerned, it is stated in the affidavit of service that the house was found

locked and the Registered AD parcel is returned back with the remark “Unclaimed”. Mr Kakodkar, learned Counsel for the applicant states that even yesterday attempt was made to serve respondents no.2 and 3. However, respondent no.2 and 3 did not open the door to accept the service. Learned Counsel for the applicant further submits that respondent no.2 has been served by WhatsApp.

2. After going through the Civil Application and in the light of the ensuing monsoon, the applicant is permitted to replace the damaged tin sheets over the suit structure.

3. Similar applications were also allowed on the earlier occasions vide orders dated 19.01.2013 and 26.07.2016 by the learned Civil Judge Junior Division at Panaji.

4. In view of the above, the Civil Application is allowed in terms of prayer clause (i), which reads as under:-

“(i) The Applicants/Respondents be permitted to replace the damaged tin sheets of the roof of the suit structure wherever the tin sheets are damaged so as to make the suit structure habitable.”

JITENDRA JAIN, J.