

LD-VC-CW-41-2020

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW-41-2020

**Laxmibai Narayan Prabhu &
others.**

..... **Petitioners**

V e r s u s

Medha Nagesh Prabhu & others

..... **Respondents**

Shri M. B. Costa, Senior Advocate with Adv. Ms. Karishma Betquecar for the Petitioners.

Mr. Sudin Usgaonkar, Senior Advocate with Adv. Ms Tanvi Kamat Ghanekar for the Respondent nos.10 to 15.

CORAM: DAMA SESHADRI NAIDU, J.

DATE: 4th August, 2020.

ORDER:

Leave to amend the cause title granted.

2. The learned Senior Counsel for the respondents has pointed out that the eighth respondent is yet to be served. Besides, he has also informed the Court that the respondent no.23 (vi) is dead and his legal representatives have already been brought on record before the Trial Court. According to him, the other respondents have already supplied to the petitioners the correct address of the eighth respondent. He also insists that unless the petitioners bring the legal representatives of the respondent no.23(vi) on record, the proceedings will render themselves unsustainable against a dead person.

3. In response, the learned Senior Counsel for the petitioners has submitted that the respondents are trying to drag the proceedings under

one pretext or another. Though on the last occasion the respondents assured the Court, according to him, that they would not press the matter before the Trial Court, they did insist before it on proceeding further.

4. At any rate, now, the learned Senior Counsel for the respondents assured the Court that by mutual consent both the parties would seek adjournments before the Trial Court until the petitioners complete the formalities of bringing the legal representatives of respondent no.23(vi) on record. The details of those legal representatives, however, are already available on the Trial Court's record.

5. Thus, after recording the submissions of the respondents' counsel, I adjourn the matter by two weeks. In the meanwhile, the petitioners' counsel may take all the steps to ensure that all the respondents have been served and the legal heirs of the respondent no 23(vi) are brought on record.

6. Humadast granted.

Post the matter on 18/8/2020.

DAMA SESHADRI NAIDU, J.

AP/-