

CIVIL REVISION APPLICATION NO. 145 OF 2002.

Shri Gopalkrishna U. Naik,
(since deceased represented
by his heirs):

- A. Smt. Sindhu @ Krishnabai
G. Naik,
B. Smt. Saroj G. Naik,
C. Miss Sangita G. Naik,
D. Miss Dimple G. Naik,
E. Miss Sushma G. Naik,
F. Miss Reshma G. Naik,
G. Miss Trupti G. Naik,
H. Miss Samrudhi G. Naik,
all r/o H. No. 163,
Wadwad, Goa Velha, Goa.

... Applicants.

Versus

1. Shri Alfred Gonsalves,
s/o Constancio Gonsalves,
r/o Lourdes Wado, St.
Inez, Panaji, Goa.
2. M/s. FLO SEL, main
market, Panaji, Goa.
3. The New India Insurance Co.,
Panaji, Goa.

... Respondents.

Mr. V.G.P. Duple, Advocate for the Applicants.

Mr. E. Afonso, Advocate for the Respondent Nos. 1 and
3.

Coram: P.V. HARDAS, J.

Date: 29th August 2002.

ORAL JUDGMENT.

By consent of parties, this revision is
taken up for final disposal at the stage of admission.

2. This Civil Revision Application arises
against an Order passed by the Motor Accident Claims
Tribunal, Panaji, dated 20th November 2001, in
Miscellaneous Application (Claim Petition) No. 8 of

2000. The learned Tribunal had rejected the application filed by the present applicants seeking condonation of delay in filing an application for setting aside abatement of the Claim Petition No. 16 of 1993. The original claimant had expired during the pendency of the Claim Petition before the Tribunal and the Tribunal, unaware about the death of the original claimant, had passed an Award in the Claim Petition. Thereafter the present applicants, who claimed to be the legal heirs of the deceased original claimant, had sought for apportionment of the compensation in their favour. The learned Tribunal had rejected such an application and thereafter, an application for setting aside abatement accompanied by an application for condonation of delay came to be filed.

3. The learned Tribunal while rejecting the application for condonation of delay has held that the application for setting aside abatement was virtually an application which was seeking a review of the Order passed by the Tribunal dated 18th March 2000. The learned Tribunal, therefore, considered the merits of the matter and has held that no purpose would be served in condoning the delay. The application for condonation of delay, therefore, came to be rejected by the learned Tribunal.

4. I have heard Mr. Dukle, the learned counsel for the applicants and Mr. Afonso, the learned counsel for the respondents 1 and 3. In view of the amended Section 115 of the Code of Civil Procedure, the present revision is not maintainable as, if the Order had been made in favour of the applicants, it would not have finally disposed of the suit or other proceedings.

5. In view of this, there is no substance in the revision. That apart, there is no material irregularity in the exercise of jurisdiction. I, thus, see no merit in the revision and the same is dismissed.

(P.V. HARDAS)
JUDGE.

ed's.