

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 216 OF 2015

IN

SECOND APPEAL NO. 17 OF 2007

DR. SAMIRO MASCARENHAS (DECEASED)
THR. HIS LEGAL REPRESENTATIVES AND
ANR.,

... Applicants

Versus

MR. VALENTE D' COSTA AND 2 ORS.,

... Respondents

Mr. John Abreu Lobo, Advocate for the Applicants.
Ms. K. Govenkar, Advocate for the Respondents.

Coram:- F. M. REIS, J.

Date:- 18th June, 2015

P.C.

Heard Shri Lobo, learned Counsel appearing for the Applicants
and Ms. Govenkar, learned Counsel appearing for the Respondents.

2. This is an application to recall an Order passed by this Court dated 03.09.2014 which was self operating whereby in case the Applicants did not furnish the list of documents to prepare the paper books within the specific time, the Appeal would be dismissed for non-prosecution.

3. Shri Lobo, learned Counsel appearing for the Applicants, pointed out that on account of some inadvertence on the part of the earlier Advocate in taking such necessary steps, the Applicants could not

take necessary steps with that direction.

4. On the other hand, learned Counsel appearing for the Respondents, opposes the said application on the ground that there is delay in filing such application.

5. Considering the averments in the affidavit and as no malafides have been attributed in the application, I find that there is no reason to refuse the application. It is also to be noted that whilst passing the subject Order, the Applicants were not present in Court. In the interest of justice, the Order dated 03.09.2014 is recalled. Second Appeal no. 17 of 2007 is restored to the file. Place the matter for final hearing in the month of July 2015.

6. Parties are at liberty, if so advised, to produce the compilation of the relevant documents. Hence, the delay is condoned. Application stands disposed of.

F. M. REIS, J.

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