

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 450 OF 2015

IN

SECOND APPEAL NO. 75 OF 2005

MRS.ANANDIBAI R.PETKAR AND 11
ORS.,

... Applicants

Versus

MR.PRAKASH N.KANDOLKAR AND 4 ORS.,

... Respondents

Shri Arjun F. Naik, Advocate for the Applicants.
Shri J. Simoes, Advocate for Respondents No.1,2 & 5.
Ms. Priyanka Kamat, Additional Government Advocate for
Respondents No.3 & 4.

Coram:- C. V. BHADANG, J.

Date:- 14th October, 2015

P.C.:

Heard Shri A. Naik, the learned Counsel appearing for the applicants.

2. This is an application for restoration of the Second Appeal, which was dismissed in default on 18/06/2015.

3. It appears that the appeal was earlier dismissed in default on 15/07/2014 but was restored by order dated 30/01/2015 in Misc. Civil Application No.679/2014. It is submitted by Shri Naik, the learned Counsel for the applicants that previously advocate Shri M.S. Joshi was appearing and subsequently he has filed Vakalatnama on

behalf of the appellants. It is submitted that on 18/06/2015, when the Second Appeal was dismissed in default, his name did not appear on the daily Board and in such circumstances, the Second Appeal came to be dismissed in default.

4. The learned Counsel appearing for respondents no.1,2 & 5 as well as the learned Additional Government Advocate for respondents no.3 & 4 submit that appropriate orders be passed.

5. In the circumstances and the submissions made, the application is allowed. The Second Appeal is restored to file at its original number. The Second Appeal be added to the final hearing board commencing from 23/11/2015.

C. V. BHADANG, J.

NH