

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 24 OF 2015

IN

FIRST APPEAL NO. 56 OF 2014

MR. SHRIKER PANDARINATH NAIK
KURADE AND 2 ORS.,

... Applicants

Versus

MRS. TEREZINHA DE MENINO JESUS DE
SOUZA E SA @ TEREZA D'SA AND 3
ORS.,

... Respondents

Mr. A. F. Diniz and Mr. Ryan Da Piedade Menezes, Advocates for
the applicants.

Mr. Jagannath Jayant Mulgaonkar, Advocate for the respondents.

Coram:- U. V. BAKRE, J.

Date:- 11th February, 2015

P.C.:

Heard Mr. Diniz, learned Counsel for the applicants and Mr.
Mulgaonkar, learned Counsel for the respondents.

2. By this application, the applicants have prayed for recall of the
judgment and decree dated 26/09/2014 passed by this Court in First
Appeal No. 56 of 2014.

3. It is seen that the said First Appeal No.56 of 2014 was disposed
of by order dated 26/09/2014 on which date only learned Counsel
Mr. C. Mascarenhas was heard on behalf of the appellants and none
was present on behalf of the respondents. The applicants are the said

respondents in First Appeal No.56 of 2014.

4. The applicants had filed an application for condonation of delay in filing the present application and in that application for condonation of delay, appropriate cause was shown for absence of applicants and their Counsel on 26/09/2014 and the said application was disposed of by this Court vide order dated 22/12/2014 and there being sufficient cause for non-appearance, the delay in filing the present application was condoned.

5. The application is supported by affidavit of one the applicants as well as by an affidavit by Advocate Shri A. V. Pavitran. It is seen that the same reply which was filed in the application for condonation of delay has been filed in the present application.

6. For the same reasons stated by this Court for allowing the Misc. Civil Application Application No. 845 of 2014, the present application is allowed. The judgment and Decree dated 26/09/2014 in First Appeal No.56 of 2014 is recalled. The said First appeal stands restored to the file.

U. V. BAKRE, J.

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