

**IN THE HIGH COURT OF BOMBAY AT GOA**

MISC.CIVIL APPLICATION NO. 686 OF 2015

IN

APPEAL FROM ORDER NO. 30 OF 2011

M/S SYNERGY ACCUMULATORS PVT. LTD.  
AND ANR.

... Applicant

Versus

EDC LTD. AND 5 ORS.,

... Respondents

Mr. L. Raghunandan, Advocate for the Applicants.

Mr. S.N. Joshi, Advocate for the Respondent No. 1.

Coram:- C. V. BHADANG, J.

Date:- 6th October, 2015

P.C:

Heard Mr. Raghunandan, the learned Counsel for the applicants  
and Mr. Joshi, the learned Counsel for the respondent no. 1.

2. This is an application for recall of the order dated 03.09.2015 and  
restoration of the Appeal From Order No. 30/2011 to the file.

3. The learned Counsel for the applicants does not dispute that the  
appeal against order arose out of an interim order passed by the  
learned District Judge at Panaji in Civil Miscellaneous Application  
No. 124/2005. It is further undisputed that the main matter i.e. Civil  
Miscellaneous Application No. 124/2005 is already disposed on  
25.03.2015. In that view of the matter, the appeal was disposed of as  
nothing would survive in the appeal. The learned Counsel for the

applicants does not dispute this position. It is only submitted that the applicants could not remain present on 03.09.2015 when the appeal came to be dismissed for want of prosecution.

4. Be that as it may, the fact remains that in as much as the main matter is disposed of, nothing would survive in Appeal From Order No. 30/2011. In such circumstances, no case for recall/restoration is made out.

5. The Miscellaneous Civil Application is accordingly disposed of.

C. V. BHADANG, J.

EV