

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 697 OF 2014

IN

STAMP NUMBER (APPLN.) NO. 2378 OF 2014

VINCENTINA PAULINA D'SOUZA

... Applicant

Versus

SUNIL KUMAR P. AND 2 ORS.,

... Respondents

Mr. E. Afonso, Advocate for the Applicant.

Coram:- C. V. BHADANG, J.

Date:- 2nd December, 2016

P.C:

This is an application for condonation of delay of six months and ten days in filing the application for restoration of appeal being Stamp No. 2378/2014. The respondent no. 3, who was the only contesting party before the Tribunal, is served.

2. It is submitted by the learned Counsel for the applicant that respondent nos. 1 and 2, who are respectively the driver and owner of the offending vehicle, were ex-parte before the Tribunal. It is pointed out by the learned Counsel for the applicant that in view of the decision of this Court in the case of BISMILLA ABIDULLA ANSARI Vs. KISHORKUMAR N. SHAH, [2008] 4 MhLJ 792, it is not necessary to serve a notice of this application on respondent nos. 1 and 2.

3. In such circumstances, in view of the decision in the case of BISMILLA ANSARI (supra), the service of notice on respondent nos. 1 and 2, is dispensed with.

4. On hearing the learned Counsel for the applicant and for the reasons mentioned in the application, the delay is condoned. Let the Stamp No. 2378/2014 be registered.

C. V. BHADANG, J.

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