

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 210 OF 2017**

Mr. Mario Dias Do Rosario,
through Power of Attorney
Angelina Dias,
son of Mr. Alvaro Vincenlau Dias do
Rosario, aged 52 years old, service,
married, resident of Baixo de Igreja,
Agassaim, Tiswadi Goa.

... Petitioner

Versus

State of Goa,
represented by the Mamlatdar of Tiswadi,
Panaji Goa.

... Respondent

Mr. Rohit Bras De Sa, Advocate for the petitioner.

Mr. Vishwadh Sardessai, Addl. Government Advocate for the respondent.

Coram:- F. M. REIS, J.

Date:- 4th April, 2017

ORAL JUDGMENT

Heard Mr. Rohit Bras De Sa, learned counsel appearing for the petitioner and Mr. V. Sardessai, learned Addl. Government Advocate appearing for the respondent.

2. Rule. Heard forthwith with the consent of the learned counsel.

3. Mr. V. Sardesai, learned Addl. Government Advocate waives service on behalf of the respondent.

4. The challenge in the above petition is to the order dated 20.01.2017 whereby the appeal preferred by the petitioner came to be rejected for not paying the costs of Rs.1000/- payable by the petitioner to the respondent.

5. During the course of the hearing of the above petition, it is pointed out that on account of reasons beyond the control, the petitioner failed to remain present on the relevant date which led to the impugned order.

6. Mr. Rohit Bras De Sa, learned counsel appearing for the petitioner upon instructions states that the costs shall be paid on or before the next date of the hearing before the learned Tribunal. In

view of the said statement of the learned counsel appearing for the petitioner and in the peculiar facts and circumstances of the case, the impugned order dated 20.01.2017 is quashed and set aside. The petitioner is at liberty to pay the costs on or before the next date of the hearing before the learned Tribunal. Rule is made absolute in the above terms. The parties are directed to appear before the learned Tribunal on 12th June, 2017. The petition stands disposed of accordingly.

F. M. REIS, J.

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