

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 688 OF 2017

IN

MISC.CIVIL APPLICATION NO. 86 OF 2013

JOSE ANTONIO DAMACIANO LATICIA
DIAS MENDES, REP. BY CONST. ATT.,
ALEXANDRETA MARI CRISPINA.,

... Applicant

Versus

SHRI. MAHADEO LAXMAN NAGZARKAR
(DEC), THR. HIS LRS.,

... Respondent

Shri Joaquim Godinho, Advocate for the applicant.

Ms. K. Pednekar, Advocate for the respondent.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 31st August 2017

P.C.:

It is contended by Shri Godinho, learned Advocate for the applicant that for the grounds set out in the application that he was busy on his legs before the Court Room No.3, he could not remain present in the Court and in that process the petition came to be dismissed for default for which the application to set aside and recall the order has been moved.

2. Ms. K. Pednekar, learned Advocate for the respondent objects to grant of the application. Nonetheless, it is apparent from the application that it has been moved with all expedition and there is no lapse on behalf of the applicant to pursue the

matter to its logical conclusion. However, there is no dispute that Shri Godinho, learned Advocate was busy and on his legs before the other Court and he was not available in this Court when the matter was called out. Sufficient grounds are made out to recall the order dated 11/08/2017 passed by this Court and therefore the application is allowed.

3. Application stands disposed off. The petition is restored to file.

NUTAN D. SARDESSAI, J.

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