

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 110 OF 2017

IN

APPEAL FROM ORDER NO. 10 OF 2016

MRS. MARY D'SOUZA (DEC) THR. HER
LRS. AND 4 ORS.,

... Applicants

Versus

M/S PAL AGRO INFRATCH PVT. LTD.,
REPRESENTED BY ITS M. D., SHRI
JAGAT PAL PALIWAL AND ANR.,

... Respondents

Shri Arjun F. Naik, Advocate for the Applicants.
None for the Respondents.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 23rd June, 2017

P.C.

None for the respondents despite due notice as recorded in the order dated 16.06.2017. Shri Naik, learned Advocate adverted to the contents of his application and submitted that on account of his personal difficulty he had requested his associate to attend this Court on 11.08.2016. However, she has failed in appearing before this Court and in the meanwhile, the Appeal From Order No.10 of 2016 came to be dismissed for non-prosecution. The dismissal of the appeal was on account of the circumstance beyond the control of the applicants and therefore, had to be restored to file. The facts as set out in the application and duly supported by an affidavit have not

controverted on oath by the respondents despite due service of notice. In any event, the applicants who are the original appellants would not stand to benefit by the dismissal of the appeal which they are pursuing to challenge the impugned order passed by the Trial Court.

2. In view thereof and accepting the grounds set out in the application, the appeal is restored to file. The application stands disposed off.

NUTAN D. SARDESSAI, J.

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