IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 878 OF 2016
IN
APPEAL FROM ORDER NO. 40 OF 2012

SHITIJ BUILDCON PVT. LTD., REP. BY ITS AUTHORIZED SIGNATORY MR. MONIKA BALHARA., ... Applicant

Versus

MRS. USHABAI ALIAS MOGREMBAI MAHADEV S. KAKODKAR AND AND 4 ORS., ... Respondents

Shri A. Kamat, Advocate for the applicant.
Shri T. Pereira, Advocate for the respondent no.1.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 20th January, 2017

P.C.

i have perused the application for the restoration of the appeal. The applicants have set out the grounds in the application that they were precluded from pursuing the appeal. Though the respondents have filed their reply, a plea has been raised that after the demise of the original respondent no.3, the legal representatives were not brought on record. Even if that aspect of the matter is considered, fact remains that the appeal was admitted sometime in the year 2012 and thereafter the matter did not come on the board for a considerable length of time which is not disputed by the respondents. In any event, the appeal came to be dismissed for non-prosecution. i am satisfied that the applicants have sufficiently made out a case to condone

the delay. In view thereof, the application is allowed with costs of Rs. 2000/- to the respondent no.1 and the appeal is restored to file.

2. The application is disposed off accordingly.

NUTAN D. SARDESSAI, J.

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