

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO.270 OF 2018

IN

WRIT PETITION NO. 543 OF 2016

Ivory Shipping & Ors.

... Applicants

Versus

Govt. of Goa & Ors.

.... Respondents

Mr. Valmiki Menezes, Advocate for the Applicants.

Mr. R. Shivolkar, Addl. Government Advocate for Respondent Nos.1, 3 and 4.

Mr. N. Vaze, Advocate for Respondent No.2.

Mr. T. Pereira, Advocate for Respondent Nos.5 and 6.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 2 May 2018.

P.C.:

This application is taken out for recall of the order dated 14 February 2018 by which the Writ Petition No.543 of 2016 was disposed of as infructuous.

2. The learned counsel for the Applicants states that due to some unavoidable circumstances, the hearing of the petition could not be attended to when the petition was called out for hearing. The learned counsel for the Applicants has tendered an apology for not remaining present when the matter was called out. He states that the petition has not become infructuous and will survive. The learned counsel for Respondent No.2 reiterates the position that the petition has become infructuous.

3. Be that as it may, since the petition was disposed of as infructuous when the Advocate for the Petitioner was not present. Considering the apology, an opportunity needs to be given to the Petitioner to put forth his case. On this limited ground, we recall the order dated 14 February 2018 and restore the Writ Petition to file.

4. Petition to be added to the board of final hearing in the week commencing from 4 June 2018.

5. All contentions are kept open including the contention of the Respondent No.2 that the petition has become infructuous.

6. In view of the fact that there was an interim relief operating during the pendency of the petition, in case the Respondent-Bank wants to proceed against the Petitioner, they will first obtain leave from this Court.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.