

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 218 OF 2019

IN

SECOND APPEAL NO. 79 OF 2018

HAZRAT ALI MOHAMAD GAUNS
(DECEASED) THR. HIS LRS. AND ANR., ... Applicants

Versus

PRABHAKAR DATTARAM SIRVOICAR AND 3
ORS., ... Respondents

Mr. P. Arolkar, Advocate for the Applicants.

Coram:- C. V. BHADANG, J.

Date:- 26th March 2019

P.C.

This is an application for restoration of Second Appeal No.79/2018 which was dismissed for non-prosecution on 29.11.2018.

2. Although the order dated 29.11.2018 shows the appearance of Mr. S. Vahidulla for the respondent nos.1 and 2, the record of the Second Appeal does not indicate that any notice was issued to any of the respondents in the appeal. Thus, the appeal having been dismissed for non-prosecution even before the issuance of the notice to the respondents, it would not be necessary to issue notice in the present application to the respondents.

3. On hearing the learned Counsel for the applicant and for the reasons mentioned in the application, the same is allowed. The order dated 29.11.2018 is hereby recalled. Second Appeal No.79/2018 is restored to file.

4. The Second Appeal to stand over for admission on 02.04.2019.

C. V. BHADANG, J.

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