

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 7 OF 2019

IN

SECOND APPEAL NO. 23 OF 2007

ROSALINA MARIA NATERCIA DE SOUZA
AND ANR.,

... Applicants

Versus

NINFA SANTANA DE SOUZA E MELO,
(DEC) THR. LRS., REPRESENTED BY
ATTORNEY, MARIA FERNANDA DE
SOUZA.,

... Respondent

Shri Prasheen Lotlikar, Advocate for the Applicants.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 7th January 2019

P.C.

Learned Counsel appearing for the applicants submits that the respondents have not been served in the appeal with notice after admission. In view thereof he prays for the condonation of delay of 105 days in filing the application in restoring the appeal to file.

2. It is apparent from the order dated 10.08.2018 that none had appeared on the applicant's behalf and on their failure to pay the postal charges, this Court had made the order that the appeal would be automatically dismissed without reference to the Court.

Considering the circumstances of the case and that the respondents have not been served in the application, the delay is condoned and the Second Appeal is restored to file. The applicants to take steps to serve the respondents within two weeks.

3. Application accordingly stands disposed off.

NUTAN D. SARDESSAI, J.

arp/*