

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 832 OF 2019

IN

FIRST APPEAL NO. 125 OF 2000

JOSE CERILO O. FERNANDES (DEC)
REP. BY LRS.,

... Applicant

Versus

DY. COLLECTOR, PANAJI AND ANR.,

... Respondents

Shri Ajit R. Kantak, Advocate for the Applicant.

Ms.Susan Linhares, Addl. Government Advocate for the
Respondent No.1.

Shri N. Vernekar holding for Shri P. Sawant, Advocate for the
Respondent No.2.P.C.:

Coram:- NUTAN D. SARDESSAI, J.

Date:- 7th January, 2020

P.C.:

Heard Shri A. R. Kantak, learned Advocate for the applicant,
Ms. Susan Linhares, learned Addl. Government Advocate for the
respondent no.1 and Shri N. Vernekar for the respondent no.2.

2. Besides, i have also perused the order which spells out at
length the circumstances in which the matter came to be
proceeded till its dismissal on 31.07.2019. This application is
otherwise made within time and duly supported by the medical
certificate of the applicant's mother who was hospitalised at the

relevant time and for which reason the applicant was unable to attend the Court on 31.07.2019.

3. No doubt Shri Kantak, learned Advocate had earlier withdrawn his appearance but considering that his name continued to appear on the board and due to the passage of almost nine years from withdrawing his appearance, it escaped his mind that he had withdrawn his appearance and continued to appear on behalf of the applicant. The applicant to my mind has made out sufficient case to restore the appeal. Accordingly this application is allowed and the appeal is restored to the file.

4. However, it is made amply clear to the applicant that no further adjournment will be granted in the case considering its pendency for the last 19 years on the board.

5. Application accordingly stands disposed off.

6. List the First Appeal no.125/2000 in the final hearing board of February, 2020.

NUTAN D. SARDESSAI, J.

MF/-