

Niti

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.138 OF 2022
AND
STAMP NUMBER (APPLN) NO.459 OF 2020 (F)
IN
WRIT PETITION NO.284 OF 2014

REGIONAL P.F.
COMMISSIONER THR.
ASST. P.F. COMMISSIONER
(LEGAL)

....APPLICANT

Versus

C. H. LOBO

....RESPONDENT

CORAM: M. S. SONAK, J.

DATE : 13th APRIL 2023

P.C. :

- 1.** None for the applicant.
- 2.** On 21.03.2023, notice was issued to the respondent.
- 3.** The noting in the farad dated 12.04.2023 reads as follows:

"12/04/2023

*As per bailiff report of Mapusa Court,
Notice to Respondent is returned back
unserved, as stating that during visit (Respondent) she*

is not ready to give thumb impression and also did not give permission to affix the said notice on their door. She refused the said notice.

Hence, notice to Respondent is returned unserved.”

4. From the aforesaid, service can be deemed to have been made upon the respondent. The bailiff's report states that the respondent was neither ready to put her thumb impression in acknowledgement of receipt nor did she permit the bailiff to affix the notice on the door. In such circumstances, notice is deemed to have been served upon the respondent.

5. The Misc. Civil Application seeks condonation of delay and recall of the order dated 23.08.2018 by which this petition came to be dismissed for default.

6. The application refers to Counsel's prolonged sickness of about 9 to 10 months and his admission to the Goa Medical College hospital and the Hospicio Hospital at Magao on three occasions. There is a reference to the Counsel proceeding to Delhi for medical treatment. The Counsel has also filed his personal affidavit.

7. Considering all this material, the delay is condoned and the order dated 23.08.2018, dismissing this petition for default is recalled.

8. The Writ Petition No.284/2014 is accordingly restored to the file of this Court.

9. The matter to now be placed for final hearing on 22.06.2023. The matter to remain on Board until the same is finally disposed of.

10. The applicant, by way of abundant caution, must once again serve the respondent so that there are no complaints about non-service.

11. The Misc. Civil Application No.138/2022 and Stamp Number (Appln.) No.459/2020(f) are disposed of.

M. S. SONAK, J.