

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC.CIVIL APPLICATION NO.346 OF 2023
WITH
CROSS OBJECTION NO.1 OF 2010**

**MISC.CIVIL APPLICATION NO.346 OF 2023
IN
CROSS OBJECTION NO.1 OF 2010**

SAVLO P. VELIP ... APPLICANT

Versus

THE NEW INDIA ASSURANCE CO. LTD.
AND 4 ORS

... RESPONDENTS

**WITH
CROSS OBJECTION NO.1 OF 2010
IN
FIRST APPEAL NO.262 OF 2008**

SAVLO P. VELIP ... APPELLANT

Versus

THE NEW INDIA ASSURANCE CO. LTD.
AND 4 ORS.,

... RESPONDENTS

Ms. Christabel Afonso, Advocate for the Respondents.

CORAM:- M. S. SONAK, J.

DATED :- 22nd December, 2023

P.C.

None for the Applicant.

2. Ms. Afonso, learned Counsel, appears for the Respondents.

3. Though this is not a case where it could be said that Ms. Afonso has made any incorrect statements before this Court still, a case is made out for recall of the Order dismissing the Cross Objections for

failure to pay postal charges to effect service on the opposite parties.

4. In the application seeking restoration, the Applicant was not justified in alleging that Ms. Afonso had wrongly pointed out that the Cross Objections be dismissed on the part of the Cross Objector to pay postal charges. The Order dated 21.07.2022 quotes the earlier Order dated 28.06.2022 made by S.K. Shinde, J. This Order was a self-operating order which stated that, if postal charges were not paid on or before 04.07.2022, the Appeal would stand dismissed without further reference to this Court. This is the Order which was correctly pointed out by Ms. Afonso and this is not a case at all pointing out any wrong Order or making any incorrect statement.

5. Despite the above, considering the explanation now offered in the Civil Application and the fact that the Advocate was unwell or unable to attend to this matter due to his eye surgery, a case is made out to recall the Orders dismissing the Cross Objections for failure to pay postal charges.

6. Accordingly, the Cross objections are restored and are placed for consideration on 15.02.2024. The matter to be placed on board for directions since the main Appeal is already disposed of as withdrawn.

7. Further, it is directed that the Cross Objectors must now take all steps to ensure that service is completed on all the parties.

8. Misc. Civil Application no. 346 of 2023 is disposed of.

M. S. SONAK, J.

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