

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC.CIVIL APPLICATION NO.194 OF 2024
WITH
MISC.CIVIL APPLICATION NO.226 OF 2022, MISC.CIVIL
APPLICATION NO.666 OF 2024 (F)**

**MISC.CIVIL APPLICATION NO.194 OF 2024
IN
MISC.CIVIL APPLICATION NO.226 OF 2022**
LUIS CUNHA ... APPLICANT
Versus
COMMUNIDADE OF BATIM, THR. ITS
ATTORNEY AND 3 ORS ... RESPONDENTS

**WITH
MISC.CIVIL APPLICATION NO.226 OF 2022
IN
WRIT PETITION NO.966 OF 2019**
LUIS CUNHA ... APPLICANT
Versus
COMMUNIDADE OF BATIM, THR. ITS
ATTORNEY AND 3 ORS ... RESPONDENTS

**WITH
MISC.CIVIL APPLICATION NO.666 OF 2024 (F)
IN
MISC.CIVIL APPLICATION NO.226 OF 2022**
LUIS CUNHA ... APPLICANT
Versus
COMMUNIDADE OF BATIM, THR. ITS
ATTORNEY AND 3 ORS ... RESPONDENTS

Mr Anthony D'Silva, Advocate for the Applicant.

CORAM:- M. S. SONAK, J.

DATED :- 12th April, 2024

P.C.:

Despite several opportunities, the matter was not attended to.

Therefore, the same was dismissed for non-prosecution.

2. Even the application for restoration was not attended to. Therefore, such application was also dismissed for non-prosecution.

3. Mr D'Silva, learned counsel for the Applicant has now appeared and stated that for some unavoidable reasons, he could not attend to the matter. Besides, some further reasons have been set out in the Misc. Civil Application No.666 of 2024 (F).

4. Ms D'Silva submitted that in this case the Applicant may not be made to suffer for some inadvertent omission on the part of his Advocate.

5. Considering the submissions made by Mr D'Silva, Misc. Civil Application No. 194 of 2024 in Misc. Civil Application No.226 of 2022 is allowed and the delay is condoned.

6. Further, even Misc. Civil Application No.666 of 2024 (F) is allowed and Misc. Civil Application No.226 of 2022 is restored to the file.

7. Misc. Civil Application No. 226 of 2022 relates to the restoration of Writ Petition No.966 of 2019.

8. Considering the reasons set out therein, even the Misc. Civil Application No.226 of 2022 is allowed and Writ Petition No.966 of 2019 is restored to the file.

9. Accordingly, Misc. Civil Application Nos. 194 of 2024, 666 of 2024 (F), and 226 of 2022 are disposed of.

M. S. SONAK, J.

AMRUT NAGESH TARI | Digitally signed by AMRUT NAGESH TARI
Date: 2024.04.15 11:01:22 +05'30'