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IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 554 OF 2023
IN
MISC. CIVIL APPLICATION NO. 2372 OF 2022 (F)

COMMUNIDADE OF SERULA,
THR. ITS PRESIDENT,
ALEX V. A. DSOUZA **... APPLICANT**

Versus

STATE OF GOA THR.
CHIEF SECRETARY
AND 4 ORS **... RESPONDENTS**

Mr. Anthony DSilva, Advocate for the Applicant.

Mr. T. Gawas, Additional Government Advocate for the Respondent-State.

Mr. P. A. Kamat, Advocate for Respondent No. 4.

Mr. Shivan Dessai along with Ms. M. Viegas, Advocates for Respondent No. 5.

CORAM:- VALMIKI SA MENEZES, J.

DATED :- 15th February, 2024

P.C.:

1. This is an application for recall of an order dated 08/09/2022 by which Writ Petition No. 1661/2021(F) was

dismissed for default i.e. for non-appearance of the advocate for the Petitioner on this date.

2. Mr. Kamat, learned counsel for Respondent No. 4 has no objection for the restoration of the petition. Mr. Dessai, learned counsel for Respondent No. 5 opposes the restoration of the petition.

3. The reasons cited in the application for recall of the order are that the advocate for the Petitioner was indisposed on the relevant date when the order of dismissal of the petition was passed. The statement is supported by an affidavit. This application is not contested by the Respondent Nos. 1 to 3. Consequently, the statement recalling the order can be accepted for the reasons stated above.

4. The application is allowed. The order dated 08/09/2022, by which the Writ Petition No. 1661/2021(F) was dismissed for non-appearance of the advocate is recalled. The applicant's application for condonation of

delay in filing the appeal is allowed and delay is condoned. The Writ Petition No. 1661/2021(F) is restored to the file.

VALMIKI SA MENEZES, J.