

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-OCW NO. 114 OF 2020

IN

MCA NO. 157 OF 2018

IN

WRIT PETITION NO.846 OF 2009

Mariquinha D'Costa

..... Applicant

*V e r s u s*

State of Goa and Anr.

..... Respondents

Mr. Anacleto Viegas and Mr. Sahil Sardessai, Advocates for the Applicant.

Ms. Sapna Mordekar, Additional Government Advocate for the Respondents.

Coram :- M. S. SONAK &  
M. S. JAWALKAR, JJ.

Date : 14<sup>th</sup> September, 2020

P.C.

1. Heard Mr. Anacleto Viegas, learned Counsel for the applicant and Ms. Sapna Mordekar, learned Additional Government Advocate for the respondents.

2. These are applications seeking leave to bring on record the legal representatives of the deceased petitioner as well as for restoration of Writ Petition No. 846 of 2009 which came to be dismissed for non-prosecution by order dated 01.11.2017. Therefore, it is appropriate that both these applications are taken up together.

3. The application explains the miscommunication between the parties and the Advocates as well as between the local Advocates and the Advocates engaged to appear in this matter before the Hon'ble High Court. There is really no reason not to accept the explanation and to condone the delay in filing this application and thereafter restoring Writ Petition No.846 of 2009 to the file of this Court.

4. The original petitioner had expired and there was some delay in bringing on record the legal representatives of the deceased petitioner. The legal representative of the deceased petitioner was not aware of the legal intricacies and therefore there was delay in giving the necessary intimation

to the Advocates. Again, there is no good reason not to accept this explanation.

5. Accordingly, both these applications are allowed. Leave is granted to bring on record the legal representatives of the deceased petitioner. Necessary steps to be taken for this purpose within two weeks from today.

6. The delay in instituting this application is hereby condoned. The order dated 01.11.2017 dismissing Writ Petition No. 846 of 2009 for non-prosecution is recalled and Writ Petition no. 846 of 2009 is restored to the file of this Court.

7. The applicant is now directed to furnish fresh copy of the amended petition to the learned Additional Government Advocate since she points out that after the disposal of the matter, the files may not be readily available in her office since they may have been returned to the concerned Department.

- 8.** Mr. Anacleto Viegas, the learned Counsel for the applicant, states that the necessary copies will be supplied within two weeks from today.
  
- 9.** Registry is now directed to place the restored Writ Petition No. 846 of 2009 for orders/final disposal, if possible, on 14.10.2020.
  
- 10.** It is made clear that, if possible and subject to the constraints of time, we will consider disposing off this old petition finally.
  
- 11.** The Civil applications are disposed off in the aforesaid terms.

**M. S. JAWALKAR**

**M. S. SONAK, J.**

arp/\*