

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 257 OF 2015

IN

STAMP NUMBER MAIN NO. 33 OF 2015

SHRI. HANUMANTH MARTHANDAPPA
AMBIGAR.

... Applicant

Versus

SHRI. NARENDRA B. KERKAR AND 6
ORS.,

... Respondents

Shri John Abreu Lobo, Advocate for the Applicant.

Coram:- C. V. BHADANG, J.

Date:- 17th June, 2015

P.C:

By this application, the applicant is seeking condonation of delay of about seven months in filing the first appeal.

2. It is submitted that the impugned judgement and decree was passed on 26.03.2014. Under misconception and out of inadvertence, the learned Counsel for the applicant filed the appeal before the District Court on 05.05.2014, which was well within limitation. However, the District Court passed the order on 16.09.2014 holding that on account of pecuniary valuation, the appeal was not maintainable before the District Court. In such circumstances, the learned Counsel for the applicant filed the appeal alongwith application for condonation of delay on 10.10.2014 before this Court.

It is contended that the delay is neither intentional nor caused on account of negligence or lack of diligence on the part of the applicant and the applicant has earlier bonafidely approached the District Court.

3. The respondents have chosen not to file reply to the application.
4. On hearing the learned Counsel for the parties and on considering the circumstances which have resulted into the delay, the same is hereby condoned. The application is allowed. The appeal be registered.
5. The application stands disposed of in the aforesaid terms.

C. V. BHADANG, J.

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