

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 696 OF 2014

IN

STAMP NUMBER MAIN NO. 752 OF 2014

MRS. DURVA GURU PAGI @ KAMAL DUKLO
PAGI

... Applicant

Versus

MR. GURU @ DURGANAND PAGI

... Respondent

Shri Ryan Da Piedade Menezes, Advocate for the Applicant.
Shri Shivan Desai, Advocate for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 17th June, 2015

P.C:

This is an application for condonation of delay of 251 days in filing the second appeal.

2. The appellant/applicant who is the original respondent-wife, has suffered a decree of nullity of marriage before the Trial Court and that decree is confirmed by the first Appellate Court. The impugned judgement and decree of the first Appellate Court was passed on 17.04.2013. The applicant had applied for certified copy on the same day and it was delivered on 20.04.2013. It is contended that on account of financial inability and lack of support, the applicant could not take steps for filing the second appeal. It is contended that after raising necessary amount from different sources including a gold loan from Canara Bank, the applicant could take steps for filing the appeal

by which time, the second appeal was already barred by limitation.

3. The prayer is opposed by the learned Counsel on behalf of the respondent and it is contended that the delay is not properly explained.

4. On hearing the learned Counsel for the parties and on perusal of the record, it appears that the appellant/applicant who is the original respondent has suffered a decree of nullity of marriage before the Trial Court, which was unsuccessfully challenged by her in the first appeal. Having regard to the circumstances and the fact that the applicant was prevented on account of financial difficulties and lack of support, the delay can be condoned. There are no circumstances on record which show negligence or lack of diligence.

5. In such circumstances, the application is allowed. The delay in filing the second appeal is hereby condoned. Let the second appeal be registered.

6. The application stands disposed of.

C. V. BHADANG, J.

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