

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 531 OF 2014

IN

STAMP NUMBER MAIN NO. 3509 OF 2013

MR. ANTONIO AGNELO DO PERPETUO
SOCORRO D'COSTA AND 12 ORS.,

... Applicants

Versus

MRS. REGINALDINA SAUDEI COLACO E
MARGINS (DEC.) THR. HER LEGAL
HEIRS AND 3 ORS.,

... Respondents

Mr. C. Padgaonkar, Advocate for the Applicants.

Ms. Vinita Palyekar, Advocate for the Respondent nos. 1(a), 2 and 4.

Coram:- F. M. REIS, J.

Date:- 10th June, 2015

P.C.

Heard Shri Padgaonkar, learned Counsel appearing for the Applicants and Ms. Vinita Palyekar, learned Counsel appearing for the Respondent nos. 1(a), 2 and 4.

2. This is an application for condonation of delay of 1599 days in filing a Second Appeal. It is not dispute that after the impugned Judgment came to be passed, a review was preferred by the Appellants which came to be ultimately dismissed. It is also not disputed that the Applicants instead of filing a Second Appeal, chose to file a Review Petition.

3. It is not disputed by the learned Counsel appearing for the Respondents that in case the period to pursue the Review Petition and the Revision are deducted, the Second Appeal is within time prescribed. In the peculiar facts of the case, as no malafides are attributed nor established and as the Applicant's have acted in legal advice, I find it appropriate in the interest of justice to condone the delay subject to payment of costs of Rs.5000/- as condition precedent within two weeks.

4. Application accordingly stands disposed of.

F. M. REIS, J.

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