

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 882 OF 2014

IN

STAMP NUMBER MAIN NO. 3088 OF 2014

SOCIETY OF TARIS, VOLVOI REP. THR.
ATTORNEY OF BOARD OF ADMRS., MR.
TULSHIDAS S. VOLVIKAR AND 2 ORS.

... Applicants

Versus

SHRI. PRABHAKAR GOVIND TARI AND 11
ORS.

... Respondents

Mr. Gajendra Usgaonkar, Advocate for the Applicants.
Ms. Gauri Dalvi, Advocate for Respondents No.1 to 3.

Coram:- M. S. SANKLECHA, J.

Date:- 6th May, 2015

P.C.:

By this application the applicants seek condonation of delay of 180 days to file an appeal from the order dated 19/04/2014 passed by the Civil Judge, Senior Division, Ponda.

2. The applicants have pointed out that they had filed an appeal within time from the order dated 19/04/2014 before the District Court. However, on 3/06/2014 the applicants were informed that the jurisdiction to entertain the appeal would be with the High Court as the amount involved is more than Rs.20.00 lakhs. The applicants are senior citizens above 70 years of age and suffering from old age and ill health. Consequently, they took time in approaching an advocate

for the purposes of filing their appeal in the High Court.

3. The respondents have filed an affidavit in reply dated 6/05/2015 contesting the application for condonation of delay.

4. It is noticed that the applicants had filed an appeal from the impugned order dated 19/04/2014 before the District Court within the period of limitation. It was only later that they were informed by the District Court by notice dated 3/06/2014 that it has no jurisdiction to entertain the appeal as the same would lie before the High Court. Both the applicants being senior citizens and over 70 years of age took time in locating the advocate to represent them in the High Court.

5. In the above circumstances, the civil application for condonation of delay of 180 days is allowed.

M. S. SANKLECHA, J.

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