

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 256 OF 2015

IN

STAMP NUMBER MAIN NO. 71 OF 2015

MRS. LAURENCA SIQUEIRA PINTO AND
ANR.,

... Applicants

Versus

MRS. FATIMA BORGES.

... Respondent

Mr. J. Abreu Lobo, Advocate for the applicants.
Mr.Parag S. Rao, Advocate for the respondent.

Coram:- K. L. WADANE, J.

Date:- 5th February, 2016

P.C.

The present application is filed by the applicants for condonation of delay for filing an appeal against the judgment and order passed by the learned District Judge-III, South Goa, Margao, in Regular Civil Appeal No.85/2014 dated 26.8.2014.

2. The grounds on which the delay is sought to be condoned are that the applicant no.1 is aged about 78 years and is not been keeping in good health over last few months. The applicant no.1 had been suffering from chest congestion and breathing problems. Therefore, she was under the medical treatment at KLE hospital Belgaum and for that purpose she was required to visit the hospital at Belgaum for every three months. The applicant no.1 has also undergone heart bypass surgery due to which the applicant no.1 movements are restricted. The applicant no.1 being wife of the applicant no.2, he

was attending the applicant no.1.

3. From the contents of the application, it appears that the applicants are old aged persons, therefore, obviously they are facing age related problems due to which they were unable to keep the track of the proceedings and its result. It is contended by the applicants that the applicant no.1 is suffering from heart disease therefore, he under went bypass surgery.

4. As against this, Mr. P. Rao, learned Counsel appearing for the respondents argued that the grounds stated in the application appears to be false. Delay is not at all explained. Therefore, he prayed to dismiss the application.

5. It is well settled principle of law that while dealing with the application for the condonation of delay, the Court shall not take hyper technical view because the litigants are fighting for their right in movable and immovable property. Moreover, the delay caused in filing the appeal is only one month. Therefore, it can be condoned by awarding certain costs. Therefore, one month delay caused in filing the appeal is hereby condoned subject to the deposit of costs of Rs.1000/- in favour of Goa State Legal Services Authority, within a period of two weeks.

6. Application stands disposed of.

K. L. WADANE, J.