

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 620 OF 2015

IN

STAMP NUMBER MAIN NO. 2476 OF 2015

THE GOA STATE INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD., THR.
ITS MANAGING DIRECTOR AND ANR.,

... Applicants

Versus

M/S NAIK CONSTRUCTIONS, THROUGH
ITS SOLE PROP. SHRI VINOD K. NAIK
AND 2 ORS.,

... Respondents

Ms. P. Kalangutkar, Addl. Government Advocate for the Applicants.
Mr. J. Godinho, Advocate for the Respondents.

Coram:- F. M. REIS, J.

Date:- 4th August, 2016

P.C.

Heard.

2. This is an application for condonation of delay of 111 days in filing the First Appeal.

3. It is the contention of the Applicants that the delay has occasioned as the Advocate who was engaged to file such Appeal proceeded to Delhi and thereafter had to do lot of research to prefer such Appeal.

4. Shri Godinho, learned Counsel appearing for the Respondents, strongly objects for condoning the delay and submits that there is no justifiable ground in the application to grant such relief.

5. I have considered the submissions of the learned Counsel and I

have also gone through the records. Though there is inaction on the part of the Applicant in approaching the Court diligently, nevertheless, I find that considering the allegations made in the application such inaction was on account of lapse on the part of the Advocate which is otherwise not disputed by the Respondents. Considering that the delay cannot be said to be a gross delay to disentitle the Applicant to get the dispute decided on merits.

6. It is now well settled that whilst examining an application for condonation of delay, a justice oriented approach has to be taken and the parties can be compensated by costs. No doubt, the Respondents are entitled to be compensated for the delay which occurred in preferring such Appeal in the facts of this Case. There are no malafides attributed to the Applicants nor claimed that the Applicants have deliberately approached this Court belatedly.

7. As such, the delay stands condoned, subject to the Applicant paying costs of Rs.10,000/- to the Respondent no. 1 within one week as condition precedent.

8. Hence, application stands disposed of.

F. M. REIS, J.

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