

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 725 OF 2015

IN

STAMP NUMBER MAIN NO. 1250 OF 2015

GODE (GODI) BENA ZOTKAR
(PARVATKAR) SINCE DECEASED THROUGH
LRS AND 2 ORS.,

... Applicants

Versus

SOUSTHAN OF SHRI CHANDRESHWAR
BHUTNATH (CHANDRAWADI) AND 4 ORS.,

... Respondents

Mr. C. Padgaonkar, Advocate for the applicants.
Ms. R. Pereira, Advocate for the respondent no.1.

Coram:- F. M. REIS, J.

Date:- 14th July, 2016

P.C.

Heard Mr. C. Padgaonkar, learned counsel appearing for the applicants and Ms. R. Pereira, learned counsel appearing for the respondent no.1.

2. This is an application for condonation of delay of 23 days in filing Second Appeal.

3. The learned counsel appearing for the respondent points out that though the affidavit is sworn in April, 2015 nevertheless, according to her the application was filed in September, 2015. The learned counsel further pointed out that as such there is no

justification in filing the appeal belatedly.

4. On perusal of the record, I find that the Second Appeal was filed on 15.04.2015. Merely because the application for condonation of delay was filed subsequently, there is no reason to refuse the relief in the application for condonation of delay. The allegations made in the application cannot be said to be erroneous or patently false. Consequently, the delay stands condoned.

5. The application stands disposed of accordingly.

F. M. REIS, J.

at*