

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 775 OF 2015 IN

STAMP NUMBER MAIN NO.1993 OF 2015

THE EXECUTIVE ENGINEER, WORK

DIVISION VI AND ANR.

... Applicant

Versus

MR.SAVIO CLOVIS DA COSTA

... Respondent

Ms. Sapna Mordekar, Addl. Government Advocate for the applicants.

Mr. K. Padgaonkar, Advocate for the respondent.

...

CIRAM : K. L. WADANE, J.

DATE : 11th MARCH, 2016.

P.C.

1] The present petition is filed by the petitioners for the condonation of delay of 233 days caused for filing an First Appeal.

2] Heard Ms. Sapna Mordekar, learned Additional Government Advocate appearing for the applicants and Mr. K. Padgaonkar, learned Advocate appearing for the respondent.

3] The grounds set out for the condonation of delay are that after receipt of the certified copies of judgment and order, the proposal to file an appeal was to be scrutinized by the various departments and in that process, some time was consumed. Initially, the matter was looked by Mr. Lavande, learned Government Advocate. He took some

time for preparation of draft of the appeal and in that process delay of 233 days has been caused. Therefore, for the reasons stated in paragraph nos. 3 to 8 of the petition, Ms. Sapna Mordekar, learned Additional Advocate, has prayed to condone the delay.

4] Mr. Padgaonkar, learned Advocate appearing for the respondent, has objection to condone the delay. However, alternatively, he submitted that the delay may be condoned on imposing certain costs.

5] It is well settled that while dealing with the application for condonation of delay, the Courts shall not take hyper technical view because the rights of the parties are to be adjudicated. Therefore, considering the facts and circumstances of the case and the submissions of both sides, I am of the opinion that the delay is liable to be condoned. Accordingly, the application is allowed, subject to the costs of Rs. 2000/- to be paid to the respondent within a period of three weeks.

Misc. Civil Application is disposed of.

K. L. WADANE, J.

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