

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 43 OF 2016

IN

STAMP NUMBER MAIN NO. 3536 OF 2015

MR.CARIDADE FERNANDES AND ANR., ... Applicants
Versus
MR.ANTHONY LIGORIO FERNANDES AND ... Respondents
ANR.,

Ms. Asha A. Desai & Ms. S. Sawant, Advocates for the applicants.
Mr. J. P. Mulgaonkar, Advocate for the respondents.

Coram:- F. M. REIS, J.

Date:- 14th October, 2016

P.C.:

This is an application for condonation of delay of 701 days in filing the second appeal.

2. When the matter was being heard, it was pointed out that there are no particulars disclosed in the application to justify such an inordinate delay. The medical certificate produced on record does not corroborate the contention of the applicants that the applicant No.1 was bedridden for such a long period of time, though the learned Counsel appearing for the applicants states that the applicant No.1 is handicapped. But, however, no further material was produced by the applicants to justify such a long delay.

3. The suit came to be filed against both the applicants. There is no material on record to point out the reason as to why the wife had not taken steps to file the appeal within time.

4. It is now well settled that the right accrued to the parties on account of negligence in not filing an appeal within time prescribed cannot be lightly taken away. The applicants have been grossly negligent in preferring an appeal. Apart from that, the allegations made in the application are very vague and do not justify any discretion in favour of the applicants. Hence, the application is rejected.

F. M. REIS, J.

ssm.