

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 239 OF 2017

IN

STAMP NUMBER MAIN NO. 743 OF 2017

MR. ALIRIO SALDANHA AND ANR., ... Applicants
Versus
MR. ALLAIN NAPOLEAO SALDANHA AND
ANR., ... Respondents

Mr. F. E. Noronha, Advocate for the applicants.
Mr. Melwin Assis Viegas, Advocate for the respondent nos.1 and 2.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 24th July, 2017

P.C.

Heard Mr. F. E. Noronha, learned Counsel for the applicants and Mr. M. Viegas, learned Counsel for the respondents nos.1 and 2.

2. Mr. Noronha, learned Counsel for the applicants submits that the impugned order was passed on 8.11.2016 and an application for the certified copy was made on the same day. Copy was ready on 10.11.2016.

3. As such delay of 26 days has occurred. In support the learned Counsel for the applicants has placed on record medical certificate of Manipal Hospital. Application is objected by the learned Counsel appearing for the respondents by contending that there is no medical records filed to indicate that the petitioner was in fact suffering from heart disease.

4. I have duly considered the submissions made by the respective Counsel.
5. It is apparent that the original medical certificate which is issued by Consultant Cardio Thoracic and Vascular Surgeon clearly indicate that the petitioner was suffering from coronary artery disease with triple vessel disease with angina and he had undergone CAG on 4.2.2017. This is just and sufficient reason as demonstrated on record to condone the delay. It is always desirable to decide the matter on merits. I do not find any substance in the objection raised by the leaned Counsel for the respondents.
6. For the aforesaid reasons, delay stands condoned. Registry to register the appeal after clearing office objections, if any.
7. The lower Court shall consider the application for adjournment on behalf of the applicants.
8. Application stands disposed of accordingly.

PRITHVIRAJ K. CHAVAN, J.