

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.147 OF 2017
IN
STAMP NUMBER MAIN NO.299 OF 2017
WITH
WRIT PETITION NO.539 OF 2013

Laximibai Narayan Prabhu ... Applicant
Versus
Ramnath Damodar Prabhu & Ors ... Respondents

Mr MB Da Costa, *Senior Advocate with Ms K Betquecar, Advocate for the Applicant.*

Mr AD Bhobe, *Advocate for Respondent Nos 1, 2 & 3.*

Mr JP Mulgaonkar, *Advocate for Respondent Nos 9 & 10.*

Ms Y Mandrekar, *Advocate for Respondent Nos 15 & 16.*

CORAM: G.S. PATEL,J
DATED: 6th October 2017

PC:-

1. The Civil Application seeks condonation of delay of three years, four months and six days in presenting the Second Appeal. Although it seems quite extraordinary, the delay is sufficiently explained because there is even now a pending Writ Petition filed by the Appellant. This is Writ Petition No 539 of 2013.

2. Mr Da Costa for the Appellant states that the Writ Petition may be permitted to be withdrawn with liberty to prosecute the Second Appeal which, in his submission, is the appropriate remedy.

The Writ Petition is dismissed as withdrawn with liberty as prayed for.

3. In this view of the matter, the Civil Application is made absolute. The delay is condoned.

4. List the Second Appeal for admission on 16th November 2017.

G. S. PATEL, J