

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 276 OF 2017

IN

STAMP NUMBER MAIN NO. 3042 OF 2016

RUKSHANA GULAB HUSSAIN., ... Applicant

Versus

SHAMSHUDDIN SHAIKH., ... Respondent

Mr. V. Naik, Advocate for the Applicant.

Mr. Vallabh D. Pangam, Advocate for the Respondent.

Coram:- N. M. JAMDAR, J.

Date:- 21st December 2017

P.C.

By this application, the Applicant has sought condonation of delay of 532 days in filing the Second Appeal. The Applicant had filed a suit for eviction against the Respondent in the Court of Civil Judge Junior Division, Vasco, on the ground that the Respondent is a trespasser. The learned Civil Judge dismissed the suit. Thereafter, the appeal was filed by the Applicant in the District Court, Margao, which was dismissed on 30 December 2014. Thereafter, the Second Appeal is filed with delay of 532 days along with the present application. The reason given in the application for condonation of delay is virtually none. It is stated that the Applicant approached another lawyer and the lawyer did not take any steps and therefore there was delay of 532 days.

There is no other reason at all in this application. Reply is filed by the Respondent opposing the condonation of delay justifiably making a grievance that there are no particulars of whatsoever in the application. By way of rejoinder, same cause is put forth in more words but no particulars have come forth.

2. It is not possible to believe that the Applicant simply handed over the file to the Advocate did not follow up for a period of almost two years. To exercise discretion under Section 5 of the Limitation Act, there must be a cogent explanation. There is no explanation at all. In these circumstances, no case is made out for condonation of delay. The Civil Application stands dismissed.

N. M. JAMDAR, J.

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