

IN THE HIGH COURT OF BOMBAY AT GOA
MISC.CIVIL APPLICATION NO. 135 OF 2018
IN
STAMP NUMBER MAIN NO. 4029 OF 2017

GLENN LOBO. ... Applicant
Versus
TERESA LOBO @ TEREZINE PINTO E
LOBO AND 3 ORS., ... Respondents

The applicant in person.

Shri J. A. Lobo, Advocate for the respondents.

Coram:- NUTAN D. SARDESSAI, J.
Date:- 14th December 2018

P.C.:

Heard the applicant in person and Shri J. A. Lobo,
learned Advocate for the respondents.

2. It is the contention of the applicant that he was pursuing his application for the condonation of delay in filing the appeal which came to be dismissed and was challenged before this Court in the Writ Petition filed on 30/08/2017. However, on account of the order of this Court, it was referred before the Division Bench and thereafter the same was converted to an Appeal from Order which ultimately came to be disposed off as withdrawn vide the order dated 22/11/2017. Thereafter the applicant filed an application for

the condonation of delay in filing the Second Appeal and being the application under consideration.

3. It appears that the applicant due to an error of judgment at his instance in pursuing his rightful remedy before the Court was caught in a quagmire of his own making and in that process he pursued inappropriate remedy initially in a writ petition, and thereafter the proceeding was converted in an appeal from order which came to be withdrawn vide the order dated 22/11/2017. Considering the predicates of Section 5 of the Limitation Act and that the delay was on account of the lapse on behalf of the applicant which has been sufficiently explained and with an element of misinformation from the Registry of this Court, the delay is condoned.

4. The application is allowed subject however to the costs of ₹2000/- which is a condition precedent for the registration of the appeal.

5. The application accordingly stands disposed off.

NUTAN D. SARDESSAI, J.

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