

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 388 OF 2018

IN

STAMP NUMBER MAIN NO. 1709 OF 2018

COMMUNIDADE OF CANACONA, THR. ITS
ADMINISTRATOR/ATTORNEY.,

... Applicant

Versus

KRISHNANAND G. NAIK GAUNKER AND 4
ORS.,

... Respondents

Ms. S. Bandodkar, Advocate for the applicant.
Ms. A. Bhat, Advocate for the respondent nos.1 to 4.

Coram:- C. V. BHADANG, J.

Date:- 10th July 2018

P.C.

This is an application for condonation of delay of 65 days in filing appeal.

2. I have heard the learned Counsel for the applicant and the learned Counsel for the respondent nos.1 to 4. The applicant has filed an affidavit of Mr. Darshan Gaonkar, who is the Attorney of the applicant.

3. It is submitted that the applicant is a Comunidade, which is a public body. There was some delay in taking decision to challenge the order passed by the Trial Court. The learned Counsel for the respondent nos.1 to 4 has opposed the application for condonation of delay. It is submitted that the applicant has demonstrated total casual attitude in filing the

appeal. In the alternative, it is submitted that in the event this Court is inclined to condone the delay, the same may be done subject to appropriate costs.

4. Having heard the learned Counsel for the parties and having perused record, I find that a case for condonation of delay is made out, subject to appropriate costs. It is now well settled that in the matters of delay of short duration, the Court can adopt liberal approach and certain amount of allowance can be made, where the party seeking condonation of delay is State or a public body. Consideration while condoning gross delay stands on different footing, where a stricter approach is required to be taken (See *ESHA BHATTACHARJEE VS. MANAGING COMMITTEE OF RAGHUNATHPUR NAFAR ACADEMY AND OTHERS*; (2013)12 SCC 649. Considering the overall circumstances, the following order is passed :

- (i) The application is allowed.
- (ii) The delay in filing the appeal is hereby condoned, subject to costs of Rs.5,000/- payable to the Goa State Legal Services Authority, Panaji, within three weeks.
- (iii) Office shall register the appeal, subject to payment/ deposit of costs.

C. V. BHADANG, J.