

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 351 OF 2019

IN

STAMP NUMBER MAIN NO. 40 OF 2019

HANDICRAFTS DEVELOPMENT
CORPORATION OF KERALA LTD., THR.
ITS DIRECTOR, N. K. MANOJ.,

... Applicant

Versus

MABEREST HOTELS PVT. LTD.,

... Respondent

Mr. Pavithran A.V, Advocate for the applicant.
Mr. J. E. Coelho Pereira, Senior Advocate with Mr.
V.Korgaonkar, Advocate for the respondent.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 13th August, 2019

P.C.

Last chance was granted to the applicant to file their rejoinder to the reply filed by the respondent. The learned Counsel for the applicant was directed to furnish advance copy of the rejoinder to the learned Counsel for the respondent within a week from 24.7.2019. The same has not been furnished.

2. Farad sheet indicates that on 9.8.2019 there was no compliance of order passed by this Court on 24.7.2019. No reason is assigned as to why there was no compliance of the order dated 24.7.2019.

3. Today the learned Counsel for the applicant submits that yesterday he contacted the applicant. It appears that the applicant

is not diligent in contacting his counsel, instead counsel contacted the applicant.

4. Record reveals that the appeal was filed on 3.1.2019, however application for condonation of delay was filed on 28.3.2019. Appeal was not accompanied with the application for condonation of delay and, therefore, there is no compliance of mandate under Order 41 Rule 3A of CPC.

5. An affidavit on behalf of the applicant was sworn on 27.12.2018 however it was presented for filing on 28.3.2019. The conduct of the applicant is writ large coupled with the fact that there has already been delay of about two years.

6. The law laid down by Hon'ble Supreme Court in case of Maniben Devraj Shah Vs Municipal Corporation of Brihan Mumbai, (2012) 5 SCC 157 would be applicable to the case in hand.

7. Despite grant of last chance to file rejoinder the applicant has failed to show any sufficient reason for further extension of time and, therefore, application stands rejected.

PRITHVIRAJ K. CHAVAN, J.