

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 691 OF 2019

IN

STAMP NUMBER MAIN NO. 1547 OF 2019

RAMKRISHNA VITHAL NAIK AND ANR., ... Applicants

Versus

MANDIR MADHU NAIK AND ANR., ... Respondents

Ms. A. Fernandes, Advocate for the Applicants.
Shri K. Morajkar, Advocate for the Respondents.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 24th September, 2019

P.C.:

Heard Ms. A. Fernandes and Shri K. Morajkar, the learned Counsel for the applicants and the respondents, respectively.

2. Delay of ten days has occurred in filing the Second Appeal, as, according to the learned Counsel for the applicants, that the applicant bonafidely believed that the request made to his Counsel would be sufficient instructions for presenting an appeal. It is also submitted that the applicant had visited the advocate at Ponda. It was informed that the appeal was not filed as there were no instructions from the applicant for the same.

3. The learned Counsel for the respondents takes exception to

the contention by contending that this is not the bonafide reason as the applicant has not specified the date on which he had approached the Counsel.

4. After having considered the respective submissions at bar, I deem it appropriate that the delay of ten days is required to be condoned. However, the applicant is required to be saddled with some costs.

5. The application for condonation of delay is allowed subject to payment of costs of Rs.1,000/-. The applicant shall pay the costs to the respondents within two weeks from today. After depositing the costs, the appeal shall be registered.

6. The application stands disposed of in the aforesaid terms.

PRITHVIRAJ K. CHAVAN, J.

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