

IN THE HIGH COURT OF BOMBAY AT GOA.

MISC. CIVIL APPLICATION NO.932 OF 2018.

DIAGO MINGUEL PEREIRA
AND 9 ORS.

... Applicants.

Versus

SUNDARABAI GOVIND
DHURI ALIAS SUNDARABAI GOVIND
DHURI AND 22 ORS.

... Respondents.

Shri V. Braganza, Advocates for the applicants.

Shri P. S. Rao, Advocate for the respondent no.23.

Ms. S. Kenny, Advocate for the respondent no.2 to 12, 14 to 22.

Coram:- DAMA SESHADRI NAIDU, J.

Date:- 13th December 2019.

P.C.

Agreeably, there is inordinate delay in the applicants' complying with this Court's direction: paying the paper-book charges. Because the conditional order was self-operative, the appeal stood dismissed, beyond the time for compliance.

2. Later, with a delay of 150 days or so, the applicants have applied for the restoration of the first appeal. Respondent No.23's counsel has vehemently opposed it. According to him, there is no explanation for the inordinate delay of 150 days. In any event, he has also submitted that though technically the delay is 150 days, it actually comes to about 500 days. I do not think we should visit that controversy.

3. I agree that there is delay, but reckon it is a technical lapse; and it should not affect the substantial merits of the case. It is not the delay in

the applicants' approaching this court, rather it is the delay pending their appeal.

Under these circumstances, to meet the ends of justice, I allow the petitioners' application and restore the first appeal to file. But this restoration is subject to the applicants' paying costs of Rs.5,000/- to Goa State Legal Services Authority. The petitioners will pay the costs now imposed in one week after this order is uploaded.

DAMA SESHADRI NAIDU

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