

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 519 OF 2019

IN

STAMP NUMBER MAIN NO. 2839 OF 2018

GOVERNMENT OF GOA, THR. THE CHIEF
SECRETARY AND ANR.,

... Applicants

Versus

D. N. NARVENKAR (DEC) REP. BY HIS
LRS.,

... Respondent

Ms. Amira Abdul Razaq, Government Advocate for the
Applicants.

Mr. Vivek Angelo Rodrigues and Mr. V. Naik, Advocate for the
Respondent.

Coram:- C. V. BHADANG, J.

Date:- 8th July 2019

P.C.

This is an application for condonation of delay of 144 days in filing an appeal challenging the judgment and award dated 30.12.2017 passed by the learned Adhoc District Judge at Panaji in Civil Suit No.68/2007.

2. The ground made out in support of the prayer for condonation of delay is movement of the file. The learned Counsel for the respondent submits that such a ground has already been negated by the Supreme Court in the case of POSTMASTER GENERAL VS. LIVING MEDIA INDIA LTD.

(2012) 3 SCC 563.

3. I have heard Ms. Razaq, the learned Government Advocate for the applicants and Mr. Rodrigues, the learned Counsel for the respondent.

4. The Hon'ble Supreme Court in a subsequent decision in the case of ESHA BHATTACHARJEE vs. MANAGING COMMITTEE OF RAGHUNATHPUR NAFAR ACADEMY & ORS. (2013) 12 SUPREME COURT CASES 649, after taking a survey of several decisions, holding the field has culled out the principles which are germane in deciding a prayer for condonation of delay.

5. There are atleast three circumstances which, in my considered view, are sufficient to condone the delay in this case. First is the extent of delay. The Supreme Court in the case of ESHA BHATTACHARJEE(supra) has held that while a stricter view can be taken in respect of a gross delay, the case of a delay which cannot be said to be of gross nature, can be considered leniently. Secondly, the State or a Public Body or an entity representing a collective cause should be given some "acceptable latitude" and, thirdly, there is a counter appeal filed by the respondent which is already admitted.

6. For the aforesaid reasons, the delay in filing the appeal is hereby condoned. The application is allowed. Let the First Appeal be registered.

C. V. BHADANG, J.

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