

IN THE HIGH COURT OF BOMBAY AT GOA**MISC. CIVIL APPLICATION NO.11 OF 2020****IN****STM/33/2020 (Filing No)****DATTAPRASAD SHIVANAND
SAWARDEKAR**

....Applicant

Versus

**INDIAN OIL CORPORATION
LTD. AND 4 ORS.**

... Respondents

Ms. A. Fernandes, Advocate for the Applicant.

Ms. P. Nagvekar, Adocate for the Respondent No.1.

Shri G. Shetye, Additional Government Advocate for the Respondents
No.2,3 & 5.**Coram:- DAMA SESHADRI NAIDU, J.****Date:- 10 February 2021****P.C.:**

The applicant has filed this Appeal From Oder with a delay of 35 days. The applicant pleads that on legal advice he invoked Order 39 Rule 4 of CPC to have the impugned order modified but could not succeed. That caused the delay.

2. The first respondent filed reply contending that the applicant has not filed the affidavit of the advocate on whose advice the applicant applied for modification.

3. Though the first respondent's counsel has vehemently opposed the condonation of delay, I reckon, the delay is bona fide and the first respondent's objection is hyper technical.

4. Under these circumstances, I condone the delay and direct the Registry to register the Appeal From Order.

DAMA SESHADRI NAIDU, J.

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NITI K

HALDANKAR

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