

Andreza

**IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 189 OF 2021
IN
WRIT PETITION NO. 299 OF 2021**

AMIN SHAIKH

...APPLICANT

Versus

1. NEERAJ GUPTA & ANR.

...RESPONDENTS

Mr. Ganesh Naik, Advocate for the Applicant.

Mr. Y. V. Nadkarni and Ms. D. Shirgam, Advocates for the Respondents.

CORAM: MANISH PITALE, J

DATED: 28th September 2021

P.C.

1. By this application, the Applicant (original Respondent), is seeking modification/clarification of the order dated 07.09.2021 passed by this Court. By the said order, this Court disposed of Writ Petition No. 299 of 2021 by directing the District Court to consider and dispose of the Appeal filed by the Applicant within a period of eight weeks from the date of the order.

2. The Applicant in this application submits that since the order passed by this Court on 07.09.2021 was brought to the notice of the District Court on 24.09.2021, an extension of time may be granted. It is further submitted that there is a Contempt Petition filed against the non-Applicants which needs to be considered before the Appeal is taken up for consideration.

3. Insofar as the Contempt Petition is concerned, this Court is not impressed by the contentions raised on behalf of the Applicant. This is because the Contempt proceedings, if any, would proceed independently of the pending appeal and the hearing of the Appeal cannot be delayed on the ground that the Petition is pending.

4. Insofar as an extension of time is concerned, a short period of extension can be granted in the facts and circumstances of the present case.

5. In view of the above, the present application is disposed of by rejecting the prayer of the Applicant for disposing of the Contempt Petition bearing CMA No. 77 of 2021 before or along with the pending Appeal i.e. MCA No. 29 of 2021. The prayer for extension of time for disposal of the Appeal is partly allowed by directing that the District Court shall dispose of the aforesaid Appeal on or before 15.11.2021.

MANISH PITALE, J.

ANDREZA PEREIRA Digitally signed by ANDREZA PEREIRA
Date: 2021.09.28 17:53:06 +05'30'