

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 944 OF 2019
IN
STAMP APPLICATION NO. 3497 OF 2019 (FILING)

1. Kedar Ramakant Kakodkar ...Applicant
Versus
Auduth Timblo ...Respondents

Mr Rajendra Pai, Senior Advocate with Mr. Nikhil Vaze,
Advocate for the Applicant.

Mr. S. S. Kantak, Senior Advocate with Mr.Preetam
Talaulikar, Advocate for the Respondent-Original Appellant in
FA No. 95 of 2019.

CORAM: M. S. SONAK, J
DATED: 27th July, 2021

PC:-

1. The learned Counsel for the parties state that they have no objection to this Bench taking up this matter.
2. Heard Mr. Rajendra Pai, learned Senior Advocate for the Applicant and Mr. S. S. Kantak, learned Senior Advocate for the Respondent.
3. This is an application seeking condonation of delay in filing the Cross Objections.
4. The application states that there is in fact no delay as such but, as a matter of abundant caution, this application has been

filed seeking condonation of delay of about 40 days. Reasons have been set out for such delay. Mr. Pai, learned Senior Advocate submits that such reasons constitute sufficient cause.

5. Mr. S. S. Kantak, learned Senior Advocate for the Respondent, submits that the Cross Objections are not maintainable and, therefore, even the application seeking condonation of delay is not maintainable and must be dismissed.

6. According to me, the issue of maintainability of Cross Objections can be kept open but, the delay, assuming that there is any norm, can be condoned. There is sufficient cause shown in the application to explain the delay of about 40 days in filing the Cross Objections.

7. Accordingly, the delay in filing the Cross Objections is condoned. However, the issue of maintainability of the Cross Objections is specifically kept open and will be considered at the time when the First Appeal and the Cross Objections are taken up for consideration.

8. Misc. Civil Application No. 944 of 2019 is disposed of in the aforesaid terms.

M. S. SONAK, J.

ANDREZA PEREIRA Digitally signed by ANDREZA PEREIRA
Date: 2021.07.27 17:41:42 +05'30'