

Meena

**IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 1044 OF 2019
IN
STAMP NUMBER MAIN NO. 3597 OF 2019**

HANSA BALKO PATIL(DEC) THR. HER LRS. ...Applicant

VS

MARTHA SOLES (DELETED BEFORE
THE AD-HOC DISTRICT JUDEJE-1 (FTC) ...Respondents
BY ORDER DTD. 18/7/2017)AND ANR.

Mr. V. Kamat, Advocate for the applicant.

CORAM: MANISH PITALE, J

DATED: 27th November, 2021

P.C.

1. Heard learned Counsel appearing for the applicant.
2. This is an application seeking condonation of delay in filing the accompanying Second Appeal. Notice was issued in this application. Liberty was also granted to serve the learned Counsel representing the respondents in the Executing Court. The applicant has handed over an affidavit of service which is taken on record.
3. Despite service the respondents have chosen not to appear before this Court.

4. The learned Counsel appearing for the applicant submits that there is urgency in the matter because the execution proceedings are listed before the concerned Court on 29/11/2021.

5. This Court has perused the contents of the application. It is specifically pleaded that despite the dispute between the parties wherein the respondents have sought eviction of the applicant from the suit property, the relations between them are otherwise were cordial. It is further stated that the respondent no.2 had specifically informed the applicants that the matter can be amicably settled and therefore, there should not be any necessity to file an appeal before this Court. It is submitted in this backdrop that when in July,2019 notice was received from the Executing Court, the applicant took immediate steps for filing the accompanying appeal.

6. In view of the above, this Court is convinced that sufficient case is made out for condoning the delay. Hence, the application is allowed and the delay is condoned.

MANISH PITALE, J.

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