

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC. CIVIL APPLICATION NO.244 OF 2021
IN
STAMP NUMBER MAIN NO.6 OF 2020 (F)**

MOHINI ANAND NAIK ... Applicant

Versus

TULSHI ANANT GAYAK
(DEC) THR. HER LRS. AND ANR. ... Respondents

Mr. Deep Shirodkar, Advocate for the Applicant.

CORAM: M. S. SONAK, J.

DATED : 21st OCTOBER 2022

P.C.:

1. Mr. Shirodkar hands in the affidavit of service stating that all the Respondents have been served through an Advocate appearing on their behalf in the execution proceedings. He also fairly points out that the Advocate who accepted the service claimed that he has no authority to accept such service.

2. However, after service, 10 out of 16 Respondents have actually appeared in this matter. Accordingly, the service is deemed to be complete on the Respondents.

3. Respondent Nos. 2(a) to 2(f) need not be served because they were co-defendants before the trial Court and their interest is not in conflict with the Appellant's interest.
4. The Appellant is appearing through Mr. Shirodkar who has been appointed under the Legal Aid Scheme.
5. In the application filed seeking condonation of delay of 65 days, more than sufficient cause is shown for condonation of delay. The Applicant has given all particulars why it was not possible to file the appeal within the prescribed period of limitation.
6. Even the Respondents who appeared through Mr. R. Gawas on 25.10.2021 does not bother to file any reply contesting the averments in the application seeking condonation of delay.
7. For all the above reasons, the delay of 65 days in instituting this Second Appeal is hereby condoned.
8. The Misc. Civil Application is disposed of.

M. S. SONAK, J.

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