

Maria S.

**IN THE HIGH COURT OF BOMBAY AT GOA
MISCELLANEOUS CIVIL APPLICATION NO.380 OF 2019
WITH
STAMP NUMBER (MAIN) NO.4223 OF 2018(FILING)**

MISCELLANEOUS CIVIL APPLICATION NO.380 OF 2019

Alchemist Asset Reconstruction Company Ltd.,
rep. by its aut. Sign, Navneet Kumar **..Applicant**

Versus

Sima Hotels And Resorts Ltd. And Anr. **...Respondents**

Ms. Amira Razaq, Advocate for the Applicant.

Mr. Vishwadh Sardessai, Advocate for the Respondent.

**AND
MISCELLANEOUS CIVIL APPLICATION NO.665 OF 2019
IN
STAMP NUMBER (MAIN) NO.1071 OF 2019(FILING)**

Sima Hotels And Resorts Ltd., rep. by its aut.
Director, G. T. Jarani **...Applicant**

Versus

Dugal Projects Development Company Pvt.
Ltd. **..Respondent**

Mr. Vishwadh Sardessai, Advocate for the Applicant.

**CORAM: M. S. SONAK &
R. N. LADDHA, JJ.**

DATED: 18th April, 2022

P.C.

Heard Mr. Vishwadh Sardesai, learned counsel for the applicant in Miscellaneous Civil Application No.665 of 2019.

2. Mr. Sardesai points out that the respondent has been duly served and on account of certain subsequent developments there is no legal bar to the respondent to appear in this matter through a representative or counsel. This position was pointed out by Mr. Sardesai on the earlier occasion as well and we had adjourned the matter to see whether there is any appearance on behalf of the respondent.

3. There is no appearance on behalf of the respondent though Ms. Razaq, learned counsel for the applicant in Miscellaneous Civil Application no.380 of 2019 points out that Alchemist Asset Reconstruction Company Ltd has taken out a Miscellaneous Civil Application No.380 of 2019 seeking impleadment in the suit that has incidentally been dismissed by the Trial Court. The applicant herein has instituted an appeal against the decree of the Trial Court dismissing the suit and therein taken out Miscellaneous Civil Application No.665 of 2019 seeking condonation of delay.

4. Ms. Razaq, learned Counsel was offered an opportunity to make her submissions on the issue of condonation of delay but she has quite rightly submitted that at this stage she will not have a right/locus standi to oppose the condonation.

5. We have perused the reasons set out in the application seeking condonation of delay. The reasons, according to us, show sufficient cause. The delay of 111 days is sufficiently explained. Accordingly, we dispose of Miscellaneous Civil Application no.665 of 2019 by condoning the delay of 111 days in instituting the appeal.

6. Registry to now number the appeal and place the same for admission on 13.06.2022. The Miscellaneous Civil Application no.380 of 2019 to also be placed for consideration on the same date alongwith the Appeal.

7. Stand over to 13.06.2022.

R. N. LADDHA, J.

M. S. SONAK, J.