

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL REVISION APPLICATION NO. 27 OF 2019

WITH

CIVIL APPLICATION NO. 90 OF 2019

IN

CIVIL REVISION APPLICATION NO. 27 OF 2019

WITH

FIRST APPEAL NO. 5 OF 2014

WITH

FIRST APPEAL NO. 7 OF 2014

SHAIKH MAKSOOD MOOSA & 2 ORS., ...APPLICANTS

Versus

ANIL MARUTI SAWANT AND 4 ORS., ...RESPONDENTS

Mr. Joaquim Godinho with Mr. Manoj Jalmi, Advocates for
the Applicants.

Mr. Vallabh D. Pangam, Advocate for Respondent No. 1.

WITH

MISC. CIVIL APPLICATION NO. 433 of 2019

IN

STAMP NUMBER (MAIN) NO. 1380 OF 2019

WITH

STAMP APPLICATION NO. 1381 OF 2019

IN

STAMP NUMBER (MAIN) NO. 1380 OF 2019

SHAIKH ZAHIRA.,

...APPLICANT

Versus

ANIL MARUTI SAWANT AND 4 ORS.,

...RESPONDENTS

Mr. Somnath Karpe with Ms. S. Vaigankar, Advocates for
the Applicant.

Mr. Vallabh D. Pangam, Advocate for Respondent No. 1.

CORAM: A.K. MENON, J.

DATED: 4th APRIL 2022.

P.C.:

1. The applicant in Miscellaneous Civil Application No. 433/2019 seeks condonation of delay of 218 days. The contention of the applicant is that the applicant had spent time for availing of a wrong remedy of filing an Appeal before the District Court.

2. Today, there is no opposition to this Application. In these circumstances, having heard the learned Counsel for the applicants and respondent no. 1 and having perused the record, I am of the view that the delay can be condoned.

3. Accordingly, Miscellaneous Civil Application No. 433/2019 is allowed in terms of prayer clause (A), which reads as follows:

A. The delay of 218 days be condoned and the time spent on availing of a wrong remedy of filing an Appeal before the learned District Court be excluded and the Appeal be ordered to be registered.

4. The Appeal under Stamp Number (Main) No. 1380/2019 be numbered and listed for C.I.S. alongwith Civil Revision Application No. 27/2019, First Appeal No. 5/2014 and First Appeal No. 7/2014.

5. Miscellaneous Civil Application No. 433/2019 stands disposed.

A.K. MENON, J.

VAIGANKAR
ESHA SAINATH

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