

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.5 OF 2022
IN
STAMP NUMBER MAIN NO.1600 OF 2020 (Filing No.)

CHERUPAAMBLI MATHEW ... Applicant
MATHEW @ C. M. MATHEW.

Versus

SRIPAD SHANKAR SINAI ... Respondents
SINGBAL AND 6 ORS.

Mr. Sagar Rivankar, Advocate for the applicant.

Mr. A. D. Bhobe, Advocate for the legal representatives of respondent
No. 1, respondent Nos. 2 and 7.

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

DATE : 7th June 2022

P.C.:

1. Heard Mr. S. Rivankar, learned counsel for the applicant. Mr. Bhobe appears on behalf of the legal representatives of respondent No.1, respondent Nos.2 and 7.

2. The record indicates that most of the respondents except respondent Nos.5 and 6 are not served. However, Mr. Rivankar states that tracking record indicates that respondent Nos. 5 and 6 are also served. He states that the applicant will file an affidavit within two weeks to this effect.

3. Considering the aforesaid circumstances, the service is held as complete on all the respondents.

4. There is a reply filed on behalf of the respondents whom Mr. Bhobe represents. He submits that the applicant was not diligent in pursuing the matter.

5. We have perused the reply. According to us, this is not a case of lack of diligence on the part of the applicant and the difficulties explained by the applicant appear to be quite genuine. Besides, delay is also of only 94 days for which sufficient cause has already been shown by the applicant. The explanation for such delay is to be found in paragraphs 3 to 9 of the Civil Application. One of the reasons is Covid Pandemic. Thus, sufficient cause is made out to explain the delay of 94 days in instituting the appeal.

6. Accordingly, the Civil Application is allowed and the delay of 94 days in instituting the appeal is hereby condoned.

7. The Civil Application is disposed of.

R. N. LADDHA,J

M. S. SONAK, J