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IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO.98/2022
IN
STAMP NUMBER (MAIN) NO.3537/2019 (F)

JOVEK CARDOZO AND ANR. ... APPELLANTS

Versus

JOSE FERNANDES AND 9 ORS. ... RESPONDENTS

Ms S. Drago, Advocate for the Appellants.

Ms Gina Maria Almeida, Advocate U/LAS for Respondent No.1.

Ms A. Fernandes, Advocate for Respondents No.2(1), 3, 9 & 10.

CORAM: M. S. SONAK, J.

DATED: 8th September 2023

P.C.:

1. Heard Ms S. Drago for the appellants, Ms Gina Maria Almeida, who appears U/LAS for respondent no.1 and Ms A. Fernandes for respondents no.2(1), 3, 9 and 10.

2. Ms Almeida tenders affidavit in reply to oppose condonation of delay.

3. Ms Drago points out that an appeal was filed before the District Court, Margao because the appellants were under the

bonafide impression that the District Court was the appropriate forum. This was based on the legal advise received by the appellants. She points out that no sooner it was realized that the appeal would have to be filed before the High Court, the appeal before the District Court with withdrawn with liberty to file the same before this Court.

4. In paragraphs 3 to 10 sufficient cause has been shown. In paragraph 6 it is pointed out that the appellant no.1, who was handling the matter had a fall while having bath and was immobile for some days.

5. The delay of 223 days is sufficiently explained. If the period of 163 days during which the appeal remained pending before the District Court is excluded, then, the delay is hardly of 60 days. Sufficient cause is shown. Therefore, the delay is condoned.

6. Misc. Civil Application No.98 of 2022 is disposed of.

M. S. SONAK, J.

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