

Esha

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.282 OF 2021

IN

STAMP NUMBER MAIN NO.1421 OF 2020 (F)

THE EXECUTIVE ENGINEER, WORKS

DIVISION VI, PWD, THR. ITS

ENGINEER, PRASAD PANANDIKAR AND 3

ORS

... APPLICANTS

Versus

JAYSHREE MALLIKARJUN

CONSTRUCTIONS, THR. ITS PARTNERS

... RESPONDENT

Mr. Geetesh Shetye, Additional Government Advocate for the Applicants.

Mr. Anand Shirodkar, Advocate for Respondent Nos. 1, 2, 4 and 5.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 7th September, 2023

P.C.

The report of service on Respondent No. 3 shows that he expired.

2. Learned Counsel for Respondent Nos. 1, 2, 4 and 5 submits that Respondent No. 1 is a partnership firm and Respondent Nos. 2 to 5 are the partners. Respondent No. 2 is the son of Respondent No. 3 (deceased).

3. Hence, it is clear that interest of Respondent No. 3 is taken care of by Respondent No. 2 being the son and one of the partners of Respondent No. 1.

4. The present Application is for condonation of delay in filing the Appeal. The delay is only of 30 days.

5. Mr Shetye appearing for the Applicants submits that the impugned order was passed on 15.11.2019. After obtaining a certified copy, the period was supposed to expire on 15.02.2020. However, immediately thereafter the Covid pandemic started. However, the Appeal was filed along with the present Application on 14.09.2020. He submits that the Supreme Court in Re: Cognizance for extension of limitation vide order dated 23.09.2021 [Miscellaneous Application No. 665 of 2021 in SMW(C) No. 3 of 2020] suspended the period of limitation during the period of Covid pandemic.

6. Learned Counsel for Respondent Nos. 1, 2, 4 and 5 objected the Application on the ground that the Application nowhere discloses sufficient cause.

7. Considering the reasons disclosed in the present Application, which are found to be sufficient and satisfactory, the delay of 30 days deserves to be condoned. Accordingly, the Application stands allowed. The delay of 30 days stands condoned. Miscellaneous Civil Application stands disposed of accordingly.

BHARAT P. DESHPANDE, J.