

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.2 OF 2023

IN

STAMP NUMBER MAIN NO.1468 OF 2020 (F)

CHRISTOVAM FERNANDES AND ANR

... APPLICANTS

Versus

COMMUNIDADE OF CALAPOR, THR. THE.

ADMINISTRATOR OF COMUNIDADES

... RESPONDENT

Ms Neha Kholkar, Advocate for the Applicants.

Ms Laxmi Sawant, Advocate for the Respondent.

CORAM:- M. S. SONAK, J.

DATED :- 31st August, 2023

P.C.:

Heard Ms Neha Kholkar for the applicants and Ms Laxmi Sawant for the respondent.

2. This is an application seeking condonation of 251 days delay in instituting Second Appeal. The delay has been sufficiently explained. Firstly, the applicant was advised to file a review petition which was filed but was dismissed. Secondly, in paragraph 4(e), it is stated that the first appellant who was looking after the case suffered from hypertension stroke. There is a reference to how his health was further deteriorated. The MRI Scan report is also annexed to the application.

3. Ms Laxmi Sawant, however, points out that certified copy of the

impugned judgment and order was applied for after expiry of the period of limitation. She points out that there was no explanation for the delay in applying for certified copy so late.

4. The application has to be construed in its entirety. The cause shown covers the period referred to by Ms Sawant. On account of health issues, it is possible that the appellant could not even apply for certified copy during the prescribed period of limitation.

5. The cause shown is sufficient and the delay deserves to be condoned.

6. Accordingly, this application is allowed and the delay in instituting the Second Appeal is condoned.

7. Misc. Civil Application No.2/2023 is disposed of.

M. S. SONAK, J.

NITI K
HALDANKAR

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