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IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO.12 OF 2023

ADAM ABDUL JUMMA AND ANR

... APPLICANTS

Versus

LAXMI LAXMAN USGAONKAR AND 12 ORS

... RESPONDENTS

Mr. J. Abreu Lobo, Advocate for the Applicants.

Ms. R. Prazeres, Advocate for Respondents No. 1, 3, 4, 5 and 6.

CORAM:- VALMIKI SA MENEZES, J.

DATED :- 4th November, 2023

P. C.:

1. This is an application for condonation of 362 days' delay in filing the second appeal against the judgment and decree dated 30/07/2019 passed by the District Court. The reasons stated for the delay, as contended in paragraphs No. 4 to 6 of the application, are that the appellants kept visiting his advocate's office to collect the concern file to enable him to file a Second Appeal, who did not hand over the file to the applicants. It is further the applicants' case that after having received the file from the Advocate on 19/03/2020, they were not able to file this appeal due to Covid 19 pandemic since there was either a lock-down or generally the courts were not functioning regularly. Thus the delay.

2. The application is objected to by respondents on ground that the delay has not been explained properly in the application. From the

record, it appears that the only delay was due to the fact that the papers were not returned by the concerned advocate and thereafter due to Covid 19 pandemic, which, in any event was required to be condoned as directed by the Honâ€™ble Supreme Court. The reasons given in the application appear to be otherwise genuine. Nevertheless, considering the period of delay prior to the COVID-19 pandemic, was at least six months, some cost would have to be imposed on the Applicants to mitigate the inconvenience caused to the Respondents.

3. The application for condonation of delay of 362 days is allowed. The applicants to pay to respondents no. 1, 3, 4, 5 and 6 through their advocate Mr. Ashwin Bhobe costs of Rs. 5000/- by 08/11/2023, as a condition precedent, after which the second appeal may be registered. Registry to place the second appeal on the admission board on 05/12/2023.

4. The Application stands disposed of in the above terms.

VALMIKI SA MENEZES, J.