

Amrut

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 983 OF 2019
IN
STAMP NUMBER MAIN NO. 3183 OF 2019

JONATHAN TIMOTHY PEREIRA
AND ANR.

... Applicants

Versus

EDC LTD., THR. ITS AUT.
OFFICER, KIRAN BALLIKAR
AND 3 ORS.

... Respondents

Ms. A. Agni, Senior Advocate with Ms. J. Sawaikar, Advocate for
the Applicants.

Mr. A. D. Bhobe, Advocate for Respondent No.1.

Mr. Rohit Bras De Sa, Advocate for Respondent No.4(a).

CORAM: M. S. SONAK, J.

DATED : 16th FEBRUARY 2023

P.C.:

1. The learned counsel for the parties state that they have no
objection to this Bench taking up this matter.

2. Heard Ms. A. Agni, learned Senior Advocate who appears along
with Ms. J. Sawaikar for the Applicants, Mr. A. D. Bhobe, learned
counsel for Respondent No.1, and Mr Rohit Bras De Sa, learned
counsel for Respondent No.4(a).

3. There is a delay of 64 days in instituting this appeal. One of the reasons given is that the parties were under the mistaken bonafide belief that instituting the appeal before the High Court is normally 90 days. In this case, the appeal had to be filed within 30 days.

4. The Applicants also refers to some of the parties being from Bombay and referred to delay on account of the logistics involved in filing the appeal. Respondent No.1 has filed a reply. Reply points out that there is no date-wise explanation as to what happened after 25.05.2019 till 11.09.2019. In such matters, it is not as if each day's delay has to be meticulously explained. The cause shown is not malafide and further, it is not as if the Applicants have gained any undue advantage in the meanwhile. The delay is also not inordinate and it is sufficiently explained. Accordingly, the delay of 64 days in instituting this appeal is hereby condoned.

5. The Misc. Civil Application No. 983 of 2019 is disposed of.

M. S. SONAK, J.