



Esha

IN THE HIGH COURT OF BOMBAY AT GOA

**MISC. CIVIL APPLICATION NO. 468 OF 2024
IN
SECOND APPEAL NO. 1367 OF 2024 (F)
WITH
MISC. CIVIL APPLICATION NO. 469 OF 2024
IN
SECOND APPEAL NO. 1378 OF 2024 (F)**

AMITA SUNJOY KADAM ... APPLICANT
VS
MONICA VAZ & 2 OTHERS ... RESPONDENTS

Ms. Samiksha Vaigankar, Advocate for the Applicant/Appellant.

Mr. Ivan Santimano, Advocate for Respondent No. 1 in MCA No. 468 of 2024 and for Respondent No. 3 in MCA No. 469 of 2024.

CORAM: BHARATI DANGRE J.

DATED: 20th JUNE 2025

P.C:

1. Miscellaneous Civil Application Nos. 468 and 469 of 2024 are filed in two connected Second Appeals, seeking condonation of delay of 8 months and 25 days.
2. Heard the learned Counsel for the Applicant/Appellant and Mr. Ivan Santimano, the learned Counsel representing Respondent No. 1 in MCA No. 468 of 2024 and representing Respondent No. 3 in MCA No. 469 of 2024.

3. Perused the Application, which has set out the reasons for the delay, and being satisfied with its bonafide to the effect that after the decision of the Trial Judge in Regular Civil Suit No. 84/2015/C, declaring the sale deed dated 12.12.2007 to be null and void, an Appeal was preferred, which was decided on 02.02.2023.

4. Thereafter, it is the case of the Appellant that a Civil Review Application was filed and time was consumed for deciding the Review Application, which was ultimately decided on 08.04.2024. Thereafter, an Application for obtaining the certified copy was preferred and the copy was delivered on 10.05.2024. Thereafter, the Advocate was consulted and on reopening of the Court after the summer vacation i.e. on 10.06.2024, the Appeal is filed. In the whole process, the delay has occasioned and it is described to be bonafide.

5. Mr. Santimano has opposed the Applications by submitting that since the decision was delivered prior to the commencement of the summer vacation, this period ought to have been counted in the period of delay.

6. I am of the view that since a remedy of Review was being availed, the Applicant deserves to be granted a concession available as she was prosecuting a remedy which is available in

law. In the wake of the above, the Applications are made absolute by condoning the delay in filing the Second Appeals.

The office is directed to register the Appeals and to list them for admission on 11.07.2025.

BHARATI DANGRE, J.