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IN THE HIGH COURT OF BOMBAY AT GOA

**MISC.CIVIL APPLICATION NO.396 OF 2018
WITH
STAMP NUMBER MAIN NO.2468 OF 2017 (F)**

MISC.CIVIL APPLICATION NO.396 OF 2018

THE STATE OF GOA, THR. DIRECTORATE
OF SETTLEMENT AND LAND RECORDS,
PANAJI.,

... APPLICANT

Versus

LUMENA RODRIGUES.,

... RESPONDENT

WITH

STAMP NUMBER MAIN NO.2468 OF 2017 (F)

THE STATE OF GOA, THR. DIRECTORATE
OF SETTLEMENT AND LAND RECORDS,
PANAJI.,

... PETITIONER

Versus

LUMENA RODRIGUES.,

... RESPONDENT

Ms Amira Razaq, Govt. Advocate for the applicant.

CORAM:- NIVEDITA P. MEHTA, J.

DATED :- 1st August, 2025

P.C.

1. Heard Ms Razaq, learned Govt. Advocate for the applicant.

Respondents were proceeded ex parte vide order dated 09.05.2025.

The present application has been filed by the applicant seeking condonation of delay of 512 days in filing the appeal.

2. It is submitted that the delay occurred due to the negligence of Advocate G.D. Kirtani, who, despite accepting the case papers, failed to take any steps to draft the suit within time and did not attend the office of the Law Secretary, Government of Goa, despite a written

request having been issued to him. A show cause notice was also served upon the said Advocate. Consequently, the Government re-allotted the matter.

3. The matter was thereafter allotted to Advocate E.P. Lobo, who declined to accept the brief on account of ill-health. Subsequently, the matter was re-allotted to Advocate Savio Soares on 07.10.2011, who declined to file the suit on the ground that the period of limitation had already expired.

4. Thereafter, the Government allotted the matter to Advocate Ignatius Dias, who filed the suit along with an application for condonation of delay, supported by the relevant records and affidavits, including those of himself and Advocate Soares. However, Advocate Kirtani declined to swear any affidavit. Subsequently, Advocate Dias too refused to conduct the matter further, and the brief was finally allotted to Advocate Vijay Alvekar.

5. Due to the various procedural formalities that are required to be followed in Government offices, necessary steps were undertaken, and ultimately, the appeal was filed before this Court on 28.07.2017.

6. It is submitted that the delay was not deliberate or intentional, and occurred due to circumstances beyond the control of the applicant, despite all diligence having been exercised.

7. Considering the reasons stated, and as sufficient cause has been made out, the delay of 512 days in filing the appeal is condoned.

8. Application stands disposed of accordingly.

NIVEDITA P. MEHTA, J.