



Jose

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO.368 OF 2024

IN

FIRST APPEAL NO.1925 OF 2024 (F)

WITH

CIVIL APPLICATION NO.1927 OF 2024 (F)

IN

FIRST APPEAL NO.1925 OF 2024 (F)

NAGARAJ AVAGHAN

... Petitioner/Applicant.

Versus

**ASSISTANT CUSTODIAN
OF ENEMY PROPERTY OF
INDIA AND ANR.**

... Respondents.

Mr. M.B. Da Costa, Senior Advocate with Ms. Isabel Bruto Da Costa, Advocate for the Petitioner.

Mr. Raviraj Chodankar, Central Government Standing Counsel for Respondent No.1.

CORAM: VALMIKI MENEZES, J.

DATED: 26th March, 2025

P.C:

1. Heard the application for condonation of delay of 116 days in filing the First Appeal against the order of the Joint Secretary, Government of India dated 12.01.2024 passed under The Administration of Evacuee Property Act, 1950. It is the Applicant's case as pleaded in the application that though he was present on 12.01.2024, he was not furnished the certified copy of the order

passed on that date and even till date, though he has applied for such a copy, the authority has not issued to him a copy of the order certified to be a true copy of the original order passed in the proceedings.

2. Mr. Chodankar opposes the application contending that false statements have been made by the Applicant, as it is an admitted position that the Applicant was present in person on 12.01.2024 before the authority and was given a copy of the order on the very same day. Though this position is argued, there is no affidavit placed on record of the Respondents to contend that a certified copy of the original order was in fact furnished on the said date or any other date.

3. A bare perusal of the copy of the order which is at page 10 of the application, reveals that the same is in the form of a Daily Order Sheet containing three columns, the first stating the date and place of hearing, the second which records the representatives of the parties and the third which is a remarks column. It is contended by the Respondent that the order has been passed in the remarks column on the very same date of the hearing of the matter i.e. 12.01.2024. If this be so, then the order produced along with the application, and filed with this Court ought to have some remark of the Department certifying the same to be a true copy of the original record and order passed by the authority and ought to have such remark mentioning the date on which such certified copy was actually furnished to the party. The copy annexed to the application does not have any such markings certifying the same to be a copy of the original record.

4. Considering this position, there is no reason to disbelieve the statements made by the Applicant in the application for condonation of delay. Consequently, I accept the reasons and condone the delay of 116 days in filing the Appeal.
5. MCA No.368/2024 stands disposed of.
6. The Registry to register the First Appeal No.1925/2024(F) along with all the applications filed therein.
7. List the matter for further hearing on admission on 25.04.2025.
8. The interim order passed on 13.01.2025 directing the Respondents not to take any coercive steps or deal with the property in question till the next date of hearing, shall continue in operation until 25.04.2025.

VALMIKI MENEZES, J.