



Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

MISC. CIVIL APPLICATION NO.266/2026

IN

FIRST APPEAL NO.1119/2025 (F)

M/S. CONCAN CONSTRUCTION
PVT. LTD., THR. ITS MANAGING
DIRECTOR PREETAM MASURKAR

... APPLICANT

Versus

THE MORMUGAO PORT
AUTHORITY THR. ITS CHAIRMAN

... RESPONDENT

Mr Nigel da Costa Frias and Mr Shane Coutinho, Advocates for the
Applicant.

Mr Kunal Nadkarni, Advocate for Respondent.

CORAM: VALMIKI MENEZES, J.

DATED: 11th JUNE 2026

P.C. :

1. The Registry to waive office objections and register the matter.
2. This is an application seeking exclusion of time under Section 14 of the Limitation Act, mainly on the ground that the Applicant was pursuing a remedy of review (which came to be dismissed) and a challenge to the dismissal of the Review application in Writ Petition. According to the Applicant, based on legal advise, the review in writ petition was filed and time was spent in pursuing what was perceived by the Applicant, as his remedy.

3. The decree was passed in the Suit on 21.12.2018 against which a review was pursued in the writ petition within limitation. The challenge to the same came to be dismissed on 17.04.2023. Against that order, the Applicant filed a writ petition before this Court which ultimately came to be dismissed on 25.03.2025, holding that the writ petition against dismissal of the review application was not maintainable and the correct remedy to be availed of by the Applicant was by way of a First Appeal. On dismissal of the writ petition on 25.03.2025, the present application along with the First Appeal was presented on 16.04.2025.

4. In my opinion, though the application bears a nomenclature as one under Section 14 of the Limitation Act, seeking exclusion of time, such application would not be treated as one for exclusion of time, since the writ petition itself was held non-maintainable. I therefore treat the application as an application under Section 5 of the Limitation Act and grant the same, since the delay in filing the First Appeal has been properly explained and is on the circumstances that the Applicant pursued a remedy of review in a writ petition instead of filing a First Appeal.

5. Consequently, the delay in filing the First Appeal is condoned. The application is allowed.

6. Misc. Civil Application No.266/2026 is disposed of.

VALMIKI MENEZES, J.