

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13360 OF 2025

Roma Kedar Palande And Anr.

...Petitioners

Versus

Kumud Sharad Palande Thr. C.A. Vinay S. ...Respondents
Palande And Anr.

Ms. Prachi Tatake (through V.C.), for the Petitioners

Ms. Shilpa Joshi a/w Samidha Ambekar and Sambhavi Bhosale, for
the Respondent No.1.

Mr. Waseem Khan, for the Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED : 13th OCTOBER 2025.

PC:-

1. Heard, Ms. Prachi Tatake, learned Counsel appearing for the Petitioners and Ms. Shilpa Joshi, learned Counsel appearing for the Respondent No.1 and Mr. Waseem Khan, learned Counsel appearing for the Respondent No.2.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the Petitioner is challenging the order dated 05th July 2025 passed by the learned Division Bench of Small Causes Court, Mumbai in MARJI Application No. 127 of 2023 in Revision Application. By the impugned

order delay of about 101 days in preferring the Revision has been allowed.

3. It is the contention of Ms. Tatake, learned Counsel appearing for the Applicant that two reasons are given for delay condonation namely that the Applicant is 85 years old and the Mediation proceedings were going on. She submits that although, the Applicant is 85 years old she has appointed constituted Attorney and therefore, the said reason is not correct. As far as second ground is concerned regarding Mediation proceedings she submitted that although, the said ground is correct, however, Mediation proceedings have failed and the Respondent never wanted to settle the dispute.

4. Ms. Tatake, learned Counsel also raised certain other contentions regarding merits of the main dispute. However, as per the settled legal position while considering the delay condonation application merits are not required to be considered.

5. The delay is not exorbitant. The Applicant is 85 years old and also Mediation proceedings were pending. Thus the reasons given for delay condonation are true reasons.

6. As possible view of the matter has been taken by the Learned Division Bench of Small Causes Court by which MARJI Application has been allowed by condoning the delay of 101 days, subject to payment of costs of Rs.5,000/-, no case is made out for interference in the jurisdiction of this Court under Article 227 of the Constitution of India.

7. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]