

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.437 OF 2025

Lakshmiputra Karbasappa Tolnur ...Appellant

Versus

Vastushodh Erectors L L P
Thorugh Its Partner Sachin
Balkrishna Kulkarni

...Respondent

WITH

SECOND APPEAL NO.422 OF 2025

Nilesh Ramesh Kolhalkar

...Appellant

Versus

Vastushodh Erectors L L P
Thorugh Its Partner Sachin
Balkrishna Kulkarni

...Respondent

WITH

SECOND APPEAL NO.423 OF 2025

Pandharinath Dnyaneshwar Mahajan

...Appellant

Versus

Vastushodh Erectors L L P
Thorugh Its Partner Sachin
Balkrishna Kulkarni

...Respondent

WITH

SECOND APPEAL NO.418 OF 2025

Nilesh Wamanrao Gangane

...Appellant

Versus

Vastushodh Erectors L L P
Thorugh Its Partner Sachin
Balkrishna Kulkarni

...Respondent

WITH

SECOND APPEAL NO.421 OF 2025

Amol Ramdas Pathare

...Appellant

Versus

Vastushodh Erectors L L P
Thorugh Its Partner Sachin
Balkrishna Kulkarni

...Respondent

**WITH
SECOND APPEAL NO.420 OF 2025**

Nikhil Jagannath Lokhande	...Appellant
<i>Versus</i>	
Vastushodh Erectors L L P	
Thorough Its Partner Sachin	
Balkrishna Kulkarni	...Respondent

**WITH
SECOND APPEAL NO.417 OF 2025**

Nivrutti Hanumant Katurde	...Appellant
<i>Versus</i>	
Vastushodh Erectors L L P	
Thorough Its Partner Sachin	
Balkrishna Kulkarni	...Respondent

**WITH
SECOND APPEAL NO.419 OF 2025**

Sandeep Ambadas Bhoyar	...Appellant
<i>Versus</i>	
Vastushodh Erectors L L P	
Thorough Its Partner Sachin	
Balkrishna Kulkarni	...Respondent

Mr. Prashant Aher, for the Appellant.
Mr. Sushil Nimbkar, for the Respondent.

**CORAM: MADHAV J. JAMDAR, J.
DATED: 12th AUGUST 2025**

P.C.:

1. This Court by earlier order has framed following substantial questions of law:-

- (a) Whether the learned Maharashtra Real Estate Appellate Tribunal, Mumbai has passed the impugned order dismissing the delay condonation application filed by the Appellant without considering reasons

assigned for the delay?

- (b) Whether in the facts and circumstances, the learned Maharashtra Real Estate Appellate Tribunal should have allowed the delay condonation application?

2. As substantial questions of law framed in all these Second Appeals are the same, all these 8 Second Appeals are taken up for final hearing together. Both the learned Counsel also submitted that even the factual aspects concerning the dispute in all these Second Appeals are also almost identical.

3. Before considering the substantial questions of law framed by this Court, it is necessary to set out certain factual aspects:-

(i) On 13th September 2022, the Maharashtra Real Estate Regulatory Authority, Mumbai disposed of about 21 complaints by common order. The present respective Appellant are aggrieved by certain directions, in more particularly operative part (d) of the said order and therefore they have filed respective Appeal before the learned Appellate Tribunal on 11th July 2023.

(ii) As there is delay in filing the said Appeal the delay condonation Application has been filed in the respective Appeals. In the delay condonation Application, the reasons given by the respective Appellants are that Appellants were not knowing any lawyer based in Mumbai practicing before the learned Appellate Tribunal and therefore time was required for contacting Advocate practicing in Mumbai before the

learned Appellate Tribunal and due to the same there is delay in filing the Appeal.

4. As the delay is not exorbitant and sufficient explanation is given for condonation of the same, Mr. Nimbkar, learned Counsel appearing for the Respondent, after taking instructions, states that if reasonable cost is paid by the respective Appellant then Respondent has no objection for condonation of delay.

5. In any case, as set out hereinabove sufficient explanation has been given by the respective Appellant for the delay. There is no material on record to show that the explanation given is not genuine explanation.

6. Accordingly, the Second Appeals are allowed by setting aside the impugned Judgment and Order dated 3rd April 2025 passed in Miscellaneous Application seeking condonation of delay filed in respective Appeals before the learned Appellate Tribunal, Mumbai, on the condition that the respective Appellant shall pay cost of Rs.10,000/- in each of these Appeals. Such cost is to be paid within a period of 2 weeks from today.

7. Resultantly, the delay caused in filing the respective Appeals before the learned Maharashtra Real Estate Appellate Tribunal, Mumbai is condoned subject to payment of said cost. Accordingly, all Appeals are restored to the file of learned Maharashtra Real Estate Appellate

Tribunal, Mumbai.

8. It is clarified that this Court has not considered the merits in respective Appeals and all contentions on merits are expressly kept open.

9. Both the parties will appear before the learned Appellate Tribunal on 8th September, 2025.

[MADHAV J. JAMDAR, J.]