

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14243 OF 2024

Joma Ambo Patil Since Decd. Thr. Lrs. Krushna ...Petitioner
Joma Patil

Versus

Kalya Budhya Patil Since Decd. Thr. Lrs. Balaram ...Respondents
Ganpat Patil Since Decd. Thr. Lrs. And Ors

Mr. R.D. Joshi, for the Petitioner.

Mr. Dixit Parmar, i/b Kaustubh Patil, for Respondent.

Mr. Vishal Kanade, i/b Ashoka Law Firm for Respondent Nos.2 to 5.

Mr. P.V. Nelson Rajan, AGP for Respondent-State.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : March 12, 2026

ORDER :

1. This matter was listed pursuant to a praecipe seeking clarification on paragraph 6 of the order dated January 9, 2026. It appears from the *roznama*, a copy of which is tendered across the bar by the Learned AGP, that the parties have addressed the Sub-Divisional Officer (“*SDO*”) on whether this consideration should be restricted to condonation of delay or also on a full-blown assessment of merits.

2. It is made clear that paragraph 6 dealt with condonation of delay. However, to ascertain whether the delay is justified, there would be some element of facts which would have to be gone into to ascertain the state of knowledge at any specific point in time in the context of delay condonation. So long as the consideration of facts is restricted to that facet of the matter, i.e. to understand whether the delay deserves to be condoned, the SDO will have to examine facts and first decide the facet of delay condonation and only then set hearings on merits of the matter, should he consider that the delay condonation is justified.

3. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]