

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13528 OF 2025
IN
REVIEW PETITION (L) NO. 3123 OF 2025

ANAND
SUDHAKAR
SUDAME

M/s. Rajendra Builders Pvt. Ltd. & anr.

..Applicants

Versus

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..Respondent

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WITH
FA NO. 884 OF 2023
WITH
IA(ST) NO. 27935 OF 2024
WITH
IA NO. 14573 OF 2023
IN
FA NO. 884 OF 2023

Mr. Rahul Arora, Advocate, for the Applicants

Mr. Reyden L. Gonsalves i/b. Eventa A. Gonsalves, Advocates, for the
Respondent

CORAM : RAJESH S. PATIL, J.

DATE : 16.02.2026

P. C.

1. This Interim Application has been filed seeking to condone the delay of 167 days in filing the present Interim Application for restoration of the Review Petition which is seeking review of the Order passed by this Court on 07.05.2024.

2. The Order dated 07.05.2024 passed by this Court was challenged before the Supreme Court and by Speaking Order, the same was rejected on 16.07.2024. Thereafter, the present Applicant chose to file the Review Petition much later i. e. 07.01.2025 challenging the Order dated 07.05.2024 passed by this Court.

3. On 09.04.2025, when learned Counsel for the Applicant was present before the Registrar, further time of two weeks was granted to remove office objections. The Registrar (Judicial – II) has, thereafter, passed an Order on 23.04.2025 directing the parties to remove office objections. However, no steps were taken by the Applicants. Hence, the Review Petition was rejected by this Court. Much later after delay of 167 days i. e. 06.05.2025, the Applicants have filed an Application for restoration of the Review Petition and to condone delay of 167 days in filing the present Interim Application.

4. The reasons for delay in filing the Interim Application have been mentioned in paragraph No. 5 and 6, which read as under :-

“5. That, for the reason that the Advocate-on-Record, due to inadvertence and oversight, remained unaware about any such listing of this Review Petition before the Ld. Registrar for “Removal of Office Objections”, the Advocate-on-Record failed to inform the present Applicant, to provide any such necessary documents or instructions to further comply with the directions of the Ld. Registrar.

6. *That, it came to the knowledge of the present Applicants/Petitioners about such ‘dismissal’ Order when the present Review Petition was intended to be circulated before this Hon’ble Court. Immediately upon becoming aware, the Applicants approached the present Advocate-on-Record to rectify the lapses and comply with the directions of the Ld. Registrar.”*

5. In recent Supreme Court judgment of ***Majji Sannemma @ Sanyasirao v/s. Reddy Sridevi and Others***, the delay of 1011 days was not condone and application was dismissed. Supreme Court observed in paragraph no.6.2 , 7.2, 7.4 and 8 as follows :

“6.2 We have gone through the averments in the application for the condonation of delay. There is no sufficient explanation for the period from 15.03.2017 till the Second Appeal was preferred in the year 2021. In the application seeking condonation of delay it was stated that she is aged 45 years and was looking after the entire litigation and that she was suffering from health issues and she had fallen sick from 01.01.2017 to 15.03.2017 and she was advised to take bed rest for the said period. However, there is no explanation for the period after 15.03.2017. Thus, the period of delay from 15.03.2017 till the Second Appeal was filed in the year 2021 has not at all been explained. Therefore, the High Court has not exercised the discretion judiciously.

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*7.1.....
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7.2 In the case of P.K. Ramachandran (supra), while refusing to condone the delay of 565 days, it is observed that in the absence of reasonable, satisfactory or even appropriate explanation for seeking condonation of delay, the same is not to be condoned lightly. It is further observed that the law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes and the courts have no

power to extend the period of limitation on equitable grounds. It is further observed that while exercising discretion for condoning the delay, the court has to exercise discretion judiciously.

7.3.....

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7.4 In the case of Basawaraj (supra), it is observed and held by this Court that the discretion to condone the delay has to be exercised judiciously based on facts and circumstances of each case. It is further observed that the expression “sufficient cause” cannot be liberally interpreted if negligence, inaction or lack of bona fides is attributed to the party. It is further observed that even though limitation may harshly affect rights of a party but it has to be applied with all its rigour when prescribed by statute. It is further observed that in case a party has acted with negligence, lack of bona fides or there is inaction then there cannot be any justified ground for condoning the delay even by imposing conditions. It is observed that each application for condonation of delay has to be decided within the framework laid down by this Court. It is further observed that if courts start condoning delay where no sufficient cause is made out by imposing conditions then that would amount to violation of statutory principles and showing utter disregard to legislature.

7.5.....

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8. Applying the law laid down by this Court in the aforesaid decisions to the facts of the case on hand and considering the averments in the application for condonation of delay, we are of the opinion that as such no explanation much less a sufficient or a satisfactory explanation had been offered by respondent Nos.1 and 2 herein – appellants before the High Court for condonation of huge delay of 1011 days in preferring the Second Appeal. The High Court is not at all justified in exercising its discretion to condone such a huge delay. The High Court has not exercised the discretion judiciously. The reasoning given by the High Court while condoning huge delay of 1011 days is not germane. Therefore, the High Court has erred in condoning the huge delay of 1011 days in preferring the appeal by respondent Nos.1 and 2 herein

– original defendants. Impugned order passed by the High Court is unsustainable both, on law as well as on facts.”

6. *It was expected from the Applicants that while seeking delay condonation he would in detail mention the reasons for condonation in the delay before this Court. After going through the contents of paragraph Nos. 5 & 6 of the Application, I am not satisfied with the explanation given by the Applicants to condone the delay.*

7. I am not at all satisfied with the explanation of the delay condonation. Taking into consideration the law laid down by the Supreme Court in the earlier paragraphs, the Interim Application is dismissed.

(RAJESH S. PATIL, J.)