

*MPBalekar*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 2892 OF 2026**

|                                                |                 |
|------------------------------------------------|-----------------|
| Stuti Nemji Galiya                             | ... Petitioner  |
| <b>V/s.</b>                                    |                 |
| N. K. Avanti Co-Op. Hsg. Soc. Ltd.<br>and Ors. | ... Respondents |

Mr. A. Jha for the Petitioner.

Mr. Prashant P. a/w Ridhima M. and S. Gupta i/by  
W3LEGAL LLP

**CORAM : AMIT BORKAR, J.**

**DATED : MARCH 9, 2026**

**P.C.:**

1. The present writ petition takes exception to an order passed by the Co-operative Appellate Court whereby a delay of 92 days in filing the appeal came to be condoned. The record further shows that the appeal was thereafter treated and converted into a revision application. The petitioner questions the legality of this order.

2. The main contention advanced on behalf of the petitioner is that the order sought to be challenged before the Appellate Court was only an interlocutory order. According to the petitioner, such an order merely regulates the course of proceedings and does not determine the substantive rights of the parties. On this basis it is argued that a revision itself was not maintainable. The petitioner therefore submits that the Appellate Court ought not to have

entertained the proceedings and consequently ought not to have condoned the delay.

3. I have considered the submission. When the nature of the impugned order and the limited jurisdiction exercised by the Appellate Court is examined closely, the argument does not carry the matter any further. The order under challenge before the Appellate Court was accompanied by an application seeking condonation of delay of 92 days. The law relating to condonation of delay is well settled. The court dealing with such application is not expected to conduct a detailed examination of the merits of the dispute between the parties. The only question which the court has to examine is whether the party seeking condonation has shown sufficient cause which prevented him from approaching the court within the prescribed time.

4. The record indicates that the Appellate Court confined its inquiry only to this limited aspect. The respondent had placed certain reasons explaining why the appeal could not be filed within time. The court considered those reasons and formed an opinion that the delay was properly explained. The satisfaction recorded by the court is thus based upon the explanation placed before it. It cannot be said that the court travelled beyond its jurisdiction while passing the impugned order.

5. In exercise of writ jurisdiction this Court does not sit in appeal over such discretionary orders. Unless the reasons recorded by the lower court are shown to be perverse or wholly unsupported by the material on record, the discretionary exercise

of condoning delay should normally not be disturbed. The reason is simple.

6. In the present case I do not find that the Appellate Court has committed any such error. The explanation offered for the delay has been accepted after due consideration. The reasoning cannot be described as perverse or contrary to the material placed before the court.

7. In these circumstances no ground is made out for interference in writ jurisdiction. The impugned order does not suffer from any jurisdictional error or perversity which would warrant interference by this Court. The writ petition therefore cannot be entertained.

8. The interim application, if any, accordingly stands disposed of. No further orders are required.

**(AMIT BORKAR, J.)**