

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 238 OF 2026

Shobha Neelkamal Tejawani ...Appellant

Versus

Subhashish Developers ...Respondent

Mr. Aniruddha Rote, a/w Ganesh Pandit and M. Mishra, for the
Appellant.

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CORAM: N. J. JAMADAR, J.

DATED: 10th JUNE, 2026

Oral Order:-

1. Heard the learned Counsel for the appellant.
2. The challenge in this appeal is to an order passed by the Maharashtra Real Estate Appellate Tribunal dated 23rd January, 2026, whereby the Appellate Tribunal has rejected an application for condonation of 202 days delay in filing the appeal against an order passed by the Maharashtra Real Estate Regulatory Authority in Complaint No.No.CC006000000210232 dated 11th July, 2024, thereby partly allowing the complaint.
3. The Appellate Tribunal was persuaded to reject the application for condonation of delay observing, *inter alia*, that the appellant has given specious pleas in support of the

application for condonation of delay. No cogent reason for the delay has been ascribed.

4. The learned Counsel for the appellant submitted that the appellant is a senior citizen. Though in the application the applicant has ascribed reasons, the Appellate Tribunal has taken a very rigid view of the matter. The impugned order is inconsistent with the settled position in law that an application for condonation of delay should receive liberal consideration.

5. In the light of the decision of the Supreme Court in the case of *N. Balakrishnan vs. M. Krishnamurthy*¹, this Court has examined the matter independently as the Appellate Tribunal has declined to exercise the discretion to condone the delay. Ordinarily, the Courts lean in favour of the condonation of delay so as to advance the cause of substantive justice. The overarching principle that the procedure is handmaid of justice and it should not be allowed to score a march over substantive justice, informs the liberal approach which the Courts/Tribunals adopt in considering the application for condonation of delay.

6. In the case at hand, however, the Court finds that the application for condonation of delay singularly lack any

¹ AIR 1998 SUPREME COURT 3222,

explanation. The order sought to be appealed before the Appellate Tribunal was passed on 11th July, 2024. The appellant claimed to have returned to India in the month of August, 2024. The appellant has adverted to the events which occurred prior to the passing of the order by MahaRERA. There is no explanation for the delay after passing of the order by the MahaRERA or post the return of the applicant from Auckland to India, in the month of August, 2024.

7. In these circumstances, since the appellant failed to offer any explanation for delay much less a sufficient one, the Appellate Tribunal can not be said to have committed any error in declining to condone the delay.

8. Thus, no substantial question of law arises for consideration in this appeal.

9. The appeal stands dismissed.

[N. J. JAMADAR, J.]