

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.10015 OF 2015

Sikchi Sureshchandra Murlidhar,
Age: 70 years, Occ: Business,
R/o. Renuka Industry Showroom,
Opposite to Telephone Office,
Bahadurpura, Aurangabad & ors

...Petitioners

versus

The Aurangabad District Industrial
and Urban Co-operative Bank Ltd.,
Through its Branch Manager & ors

...Respondents

.....
Mr. H.H. Padalkar, Advocate for petitioners
Mr. K.D. Munde, A.G.P. for respondent No. 3
.....

CORAM : N.W. SAMBRE, J.

DATE : 16th NOVEMBER, 2015

ORAL ORDER :

The recovery certificate issued under Section 101 against the present petitioners under the provisions of Maharashtra Co-operative Societies Act, 1960 was subjected to revision bearing Revision No. 35 of 2010 before the Divisional Joint Registrar (C.S.) under Section 154 of the Maharashtra Co-operative Societies Act.

2. The said revision since was time barred, the application for condonation of delay was preferred and as the petitioners remained absent on various occasions, the revisional authority dismissed the revision. As such, present writ petition.

3. Learned Counsel for the petitioner makes two-fold submissions; (a) that he has shown bonafides by depositing the amount as is prescribed under Section 154 of the Maharashtra Co-operative Societies Act at the time of filing of the revision and (b) that he undertakes to appear before the revisional authority at the time of hearing of the application for condonation of delay and revision, if this Court permits him to do so by quashing the order impugned.

4. Learned A.G.P. while opposing the prayer would urge that since enough opportunity was granted to the petitioner i.e., the matter was adjourned at his behest more than seven times, the petitioner lacks bonafides. According to him, the view taken by the revisional authority is just and proper and prayed for rejection of the writ petition.

5. Having perused the grounds raised in the petition and the fact that the petitioner has shown his bonafides by depositing 50% of the amount out of the amount ordered to be recovered from him, demonstrate his bonafides. The reason cited in the petition for remaining absent, in my opinion, requires reconsideration of the application for condonation of delay and revision of the petitioner, subject to payment of costs of Rs.5000/- (Rs.Five thousand only) to be paid to the respondent bank within period of two weeks from today.

6. In view of above, the impugned order dated 19/08/2013

passed by the revisional authority in exercise of powers under Section 154 of the Maharashtra Co-operative Societies Act is hereby quashed and set aside. The revision and the application for condonation of delay stood restored to the file of Divisional Joint Registrar (C.S.) Aurangabad, who shall decide the application for condonation of delay and revision after ensuring that the petitioner has paid costs to the respondent bank, which is to be paid within period of two weeks from the date of this order. The writ petition, as such, succeeds and stands allowed in above terms.

[N.W. SAMBRE, J.]