

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST.) NO.12778 OF 2014
WITH
WRIT PETITION (ST.) NO.12804 OF 2014

Ashok Dharanappa Arwade ... Petitioner
Vs.
The Divisional Joint Registrar, Co-operative
Societies, Kolhapur and others ... Respondents

Mr. Anand S. Patil for Petitioner.
Ms A. D. Vhatkar, AGP for Respondents No.1 and 5.
Mr. Bhupesh V. Samant for Respondents No.2 and 3.
Ms Shami Karande for Respondent No.4.

CORAM : R. G. KETKAR, J.
DATE : 28TH AUGUST, 2015

P.C. :

Heard Mr. Patil, learned Counsel for petitioner, Ms Vhatkar, learned Counsel for respondents No.1 and 5, Mr. Samant, learned Counsel for respondents No.2 and 3 and Ms Karande, learned Counsel for respondent No.4. Rule. The learned Counsel for the respective respondents waive service. At the request and by consent of the parties, Rule is made returnable forthwith and the Petitions are taken up for final hearing.

2. By these Petitions under Article 227 of the Constitution of India, petitioner has challenged the order dated 12.03.2014 passed by the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur - respondent No.1. By that order, respondent No.1 rejected the applications filed by the petitioner for condoning the delay in filing the Revision Applications. Respondent No.1 has passed order on 12.03.2014, which reads thus,

“Delay application is hereby rejected for want of sufficient reason.”

3. In my opinion, respondent No.1 was not justified in deciding the applications in such manner. Respondent No.1 ought to have given reasons before rejecting the applications. Since no reasons are assigned, the impugned order is liable to be set aside only on this count. Learned Counsel appearing for the parties state that they will appear before the respondent No.1 on 28.09.2015 and for that purpose, fresh notice need not be issued to them. Hence, Petitions are disposed of in the following terms:

- a. Impugned order dated 12.03.2014 passed by the respondent No.1 in both the Petitions is set aside;
- b. Applications for condonation of delay are restored to the file of the respondent No.1;
- c. Parties shall appear before the respondent No.1 on 28.09.2015 and respondent No.1 shall decide the applications for condonation of delay within 1 month from the date of appearance of the parties;
- d. Respondent No.1 shall decide the applications on its own merits and in accordance with law and will also give reasons while passing the order;
- e. Rule is made absolute in the aforesaid terms with no order as to costs.

4. Order accordingly.

(R. G. KETKAR, J.)