

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.943 OF 2013

Mr. Jahir Razzak Shaikh

.. Petitioner.
(Org. Applicant.)

V/s

Sanmitra Co-operative Bank Ltd, Pune
and ors.

.. Respondents.

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Mr. Dilip Bodake, for the petitioner.

Mr. Shailendra S. Konetkar, for respondent Nos. 1 and 2.

Mr. S.D. Rayrikar, AGP, for respondent Nos. 3, 4 and 5.

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CORAM : ANOOP V. MOHTA, J.

DATE : FEBRUARY 11, 2015

P.C. :

1. Rule. Rule, made returnable forthwith. Heard finally by consent of the parties.
2. I am inclined to dispose of the present writ petition solely on the ground that Revisional Authority, while deciding the delay application, disposed of the revision on merit by confirming order dated 14 February, 2007, which was the subject matter of this petition. A single line reason was given by the Revisional Authority and decided the delay condonation application against the petitioner. But by giving reasons on

merits of the matter, decided the revision application. Therefore, taking the overall consideration and in the interest of justice, as while deciding the delay application, there was no question of deciding the merit of main matter, as done in the present case. The delay application was rejected without considering the written notes of arguments on the grounds so raised. In my view, it is necessary, apart from the reason, to consider such application for condonation of delay, the rejection of which definitely resulted in the maintenance of impugned order dated 14 February, 2007. However, in the interest of justice and in view of above, to give one more opportunity, I am inclined to set aside the impugned order. The delay condonation application bearing Misc. Application No.4 of 2012 is restored back. The Revisional Authority to decide the same in accordance with law as early as possible, preferably within two months. Thus, the following order.

(a) Impugned order dated 14 September, 2012 is quashed and set aside. The condonation of delay application bearing Misc. Application No.4 of 2012 is restored. The Authorities to decide the same in accordance with law by giving opportunity

to both the parties as early as possible, preferably within two months.

- (b) Writ petition is accordingly disposed of.
- (c) All points are kept open.
- (d) Rule disposed of accordingly.
- (e) No order as to costs.

(ANOOP V. MOHTA, J.)