

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

**WRIT PETITION NO.1844 OF 2014**

**Chandraprabha Co-operative Credit Society Ltd. .. Petitioner**

**Versus**

**Dinkar Ramchandra Sawant and others .. Respondents**

**Mr. L. S. Gaikwad, for the Petitioner.**

**Mr. K. P. Mali, for the Respondent No.1.**

**Mrs. V. S. Nimbalkar, AGP for the Respondent Nos.2, 3 & 6.**

**CORAM : R.M. SAVANT, J.**

**DATE : 15<sup>th</sup> JUNE, 2015**

**PC.**

1. The Writ Jurisdiction of this Court is invoked against the order dated 19.11.2013 passed by the District Deputy Registrar, Co-operative Societies, Mumbai-1, by the said order the Revision Application filed by the Respondent No.1 herein against the certificate dated 31.03.2002 issued under Section 101 of the Co-operative Societies Act came to be allowed and the said certificate came to be set aside.

2. It is not necessary to burden this order with unnecessary details. Suffice it would be to state that the impugned order is challenged on the ground that without considering the application for condonation of delay, the above Revision Application was allowed after a period of almost ten years of the said recovery certificate being issued. The Learned

Counsel appearing for the Respondent No.1 one Mr. K. P. Mali fairly accepts the said position and states that the Respondent No.1 would have no objection if the matter is remitted back to the District Deputy Registrar for a de-novo consideration of the Revision Application which can be done after application for condonation of delay and in the even the delay is condoned, the Learned Counsel for the Petitioner Mr. L. S. Gaikwad has no objection to the said course of action being followed. In view thereof, the impugned order dated 19.11.2013 is quashed and set aside and the Revision Application is relegated back to the District Deputy Registrar. The Divisional Joint Registrar at the inception to consider the application for condonation of delay filed by the Respondent No.1. It is only in the event the delay is condoned that the Revision Application be taken up for hearing. The application for condonation of delay on remand to be taken up on 30.06.2015 and the same to be decided within two weeks of 30.06.2015. In the event the delay is condoned, the Revision Application to be decided latest by 30.09.2015. With the aforesaid observations, the Writ Petition is disposed of. Needless to state that the contentions of the parties are kept open for being urged before the Divisional Joint Registrar. The parties to act upon a copy duly authenticated by the Court officer.

**[R.M. SAVANT, J]**