

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4093 OF 2015**

Krishnarao Shivajirao Thorat

..Petitioner

Vs.

Shri Chaundeshwari Nagri Sahakari Pat Sanstha & Ors

..Respondents

Mr. A. M. Adagule for the Petitioner

Mr. S. D. Rayrikar AGP for the Respondent No.3

CORAM : R. M. SAVANT, J.

DATE : 6th July, 2015

P.C.

1 The Writ Jurisdiction of this court is invoked against the order dated 19-5-2014 passed by the Revisionary Authority i.e. the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division Kolhapur, by which order, the Revision Application filed by the Petitioner challenging the auction proceedings came to be dismissed on the ground of non compliance of Section 154(2A) of the Maharashtra Co-operative Societies Act. In terms of the said Section 154(2A) the Revision Applicant is required to make a pre-deposit of 50% of the amount in question with the concerned society. That being not done so by the Petitioner, the instant Revision Application came to be dismissed.

2 The Learned Counsel for the Petitioner states that the Petitioner is ready and willing to deposit 50% of the amount as contemplated by Section 154(2A) in view of the fact that the Revision Application is dismissed on the

said ground of non deposit of the amount covered by Section 154(2A).

3 In my view, it would be just and proper to grant liberty to the
Petitioner to file a fresh application under Section 154 by making the said pre-
deposit as contemplated under Section 154(2A). If any such Revision
Application is filed by the Petitioner by making the necessary compliance of
Section 154(2A), the Revisionary Authority would entertain the said
application on its own merits and in accordance with law and the fact that the
earlier Revision Application has been dismissed would not come in the way of
the Petitioner. This indulgence is shown to the Petitioner on the basis of the
statement made by the Learned Counsel for the Petitioner to the effect that
though the auction has been held, the possession has not been taken. The fresh
Revision Application to be filed within two weeks from date by making the
necessary compliance of the deposit under Section 154(2A). If the same is not
filed within two weeks, the right to file the Revision Application would stand
forfeited.

4 With the aforesaid directions the Writ Petition is disposed of

5 The parties to act upon an ordinary copy of this order duly
authenticated by the Court Shirestedar.

[R.M.SAVANT, J]