

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 851 OF 2015**

Smt. Mrudulaben Shamaldas Mehta

....Petitioner.

Vs.

Riddhi Siddhi Apartment
Hsg. Soc. Ltd.

....Respondent.

Mr. Sameer Tendulkar a/w Ms. Sunita Khamkar for the Petitioner.

Ms. Usha Tiwari for Respondent No. 1.

Mr. A.R. Metkari, AGP for Respondent No.2.

CORAM:- ANOOP V. MOHTA, J.

DATE :- 10 FEBRUARY 2015.

PC:-

Rule. Rule, made returnable forthwith.

Heard finally by consent of the parties.

2 The Petitioner has challenged impugned order dated 10 September 2014, whereby the Revisional Authority, under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (for short, the MCS Act) rejected the Application for condonation of delay of 16 days in filing the Revision.

3 The Petitioner, who is very senior lady aging 88 years old, as stated, unable to arrange for finance to file and/or to proceed with the

Revision against the order under Section 101 of the MCS Act. This itself means, it requires to deposit minimum 50% of the amount for the Revisional Authority to consider the case.

4 The learned counsel appearing for the Society submitted that no case is made out and so also the reasons which according to her, are not sufficient to condone the delay. The matter could be sorted out instead of dealing with the issue so raised in the Revision. The parties are always at liberty to settle the matter at any point of time. However, considering the impugned order and the reasons for rejecting the delay condonation Application, that resulted into the disposal of the main Revision itself, in my view, is incorrect. The reasonable opportunity needs to be given to the Petitioner. The delay even if any of 16 days, in the facts and circumstances of the present case and in the interest of justice, and I am inclined to condone the delay, instead of sending the matter back for re-consideration.

5 In the result, the following order.

ORDER

- a) The delay condonation Application and the Review Application No. 14 of 2014 is allowed. The delay is condoned.
- b) The Revisional Authority to hear the Revision in

accordance with law, subject to the requisite deposit of the amount as required, as early as possible, preferably within three months from today.

- c) The Petitioner is at liberty to take out appropriate Application in accordance with law, if any.
- d) The Writ Petition is disposed of, with no order as to costs.
- e) Rule is accordingly disposed of.

(ANOOP V. MOHTA, J.)