

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Civil Application No. 5409 of 2009

(In Letters Patent Appeal Stamp No. 9407/2009)

(Against the judgment dated 05.02.2009 in

Writ Petition No. 762 of 2009)

District : Osmanabad

The Osmanabad District Central
Co-operative Bank Ltd.,
Osmanabad, through its
Managing Director.

.. Applicant.

versus

The Netfim Irrigation India
Pvt. Ltd., 297, C.S.T. Road,
Vidyanagari Kaline,
Mumbai - 400 098,
Through its Field Officer,
& another.

.. Non-applicants.

.....

*Mr. M.V. Salunke, Advocate, holding for
Mr. V.D. Salunke, Advocate, for the applicant.*

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**CORAM : R.M. BORDE &
Z.A. HAQ, JJ.**

DATE : 09TH DECEMBER 2016

ORAL ORDER :

Heard.

02. By the present application, the applicant -

appellant is seeking condonation of delay of 52 days caused in filing Letters Patent Appeal.

03. It is reported that the Dispute No. 226/2005 has been decided on 22.02.2008 by the Co-operative Court, Nanded. The judgment and order passed by the Co-operative Court was matter of challenge before the Co-operative Appellate Court in Appeal No. 173/2008 which has also been dismissed on merits on 10.12.2008.

04. In that view of the matter, challenge in the Appeal itself does not survive. Consequently, present Application for condonation of delay does not survive. It is disposed of accordingly. No costs.

(Z.A. HAQ)
JUDGE

(R.M. BORDE)
JUDGE

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