

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO. 7191 OF 2015

Manohar Vasant Barge	..	Petitioner
VS.		
State of Maharashtra & Ors.	..	Respondents

Mr. K. J. Phakade for Petitioner.

Mr. A. R. Metkari - AGP for Respondent Nos. 1 and 2.

CORAM : M. S. SONAK, J.
DATE : 22 FEBRUARY 2016

P.C :

1] The challenge in this petition is to the order dated 24 December 2014, by which the Divisional Joint Registrar Co-operative Societies, Kolhapur, has condoned the delay on the part of the respondent no. 3 in instituting appeal no. 206 of 2014 against the order dated 28 January 2014 made by the Assistant Registrar Co-operative Societies, Koregaon.

2] There was delay of approximately six months in institution of the appeal. The respondent no. 3 has filed application for condonation of delay in which, explanation is offered with regard to such appeal. The learned counsel for the petitioner is however right in his submission that the impugned order dated 24 December 2014 discloses no reasons. In fact, it is not clear as to whether there is any separate order made by the Divisional Joint Registrar in the

matter of condonation of delay. There is annexed to the petition only an entry in the roznama which states that the delay has been condoned. If this is the only order, then, the Divisional Joint Registrar is not right in condoning the delay without assigning any reasons. There is necessity to indicate reasons, howsoever brief, in the matter of exercise of discretion.

3] Notwithstanding the aforesaid, there is no necessity to interfere with the impugned order. This is because in the appeal as originally instituted, the petitioner herein was not even a party. The original parties, have not questioned the impugned order dated 24 December 2014. The petitioner, after the delay was condoned, has applied for intervention in the appeal. The learned counsel for the petitioner states that such intervention has been granted. At this stage, therefore, there is no question to entertain the present petition, at the behest of the intervenor – petitioner. In any case, this Court has perused the application, by which the condonation of delay was applied for. The respondent no. 3, which is a society, has made out a case for condonation of delay by showing sufficient cause. In the peculiar facts and circumstances of this case, no useful purpose would be served by remanding the matter for fresh consideration of the application seeking condonation of delay particularly, since the respondents originally impleaded, have not

challenged the order dated 24 December 2014. Rather, it would be appropriate if directions are issued to the Divisional Joint Registrar to dispose of the appeal on merits as expeditiously as possible and in any case within a period of four months from today.

4] Accordingly, this petition is dismissed. However, the Divisional Joint Registrar is directed to dispose of the appeal instituted by the respondent no. 3 on its own merits and in accordance with law as expeditiously as possible and in any case within a period of four months from today.

5] The petitioner is directed to place authenticated copy of this order before the Divisional Joint Registrar on 8 March 2016 at 3.00 p.m.

6] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)