

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO.4116 OF 2014

M/s Super Servicing Center .. Petitioner

vs

Shivchaitanya Nagari Sahakari Patsanstha
Maryadit & ors ..Respondents

Mr.Rahul Walvekar I.b Mr.Indrajit Joshi
for Petitioner

Ms.Madhu Hiraskar I.bnM/s Chitnis Vaithy
& Co for Respondent no.1

Ms.Vaishali Nimbalkar AGP for Respondent nos
3 to 5.

CORAM: G.S.KULKARNI, J

DATE: 6 OCTOBER 2016

P.C.:

1. This writ petition is filed challenging an order dated 10.2.2014 passed by the Divisional Joint Registrar, Co-operative Societies, Konkan Division, Navi Mumbai whereby the application of the petitioner seeking condonation of delay of 3725 days in filing the Revision application has been rejected. The petitioner had filed a Revision application in question challenging the legality and validity of the recovery certificate issued in November 2003 by the Assistant Registrar, Co-operative Societies, Khed District Ratnagiri.

2. The revision was admittedly preferred after a period of more than 10 years for which condonation of delay was sought by an application. A perusal of the application indicates that the petitioner

failed to set out sufficient cause whereby the authority can exercise the jurisdiction and condone the delay.

3. Admittedly, the petitioner was required to file a Revision under section 154 of the Act within a period of 60 days from the date of issuance of the recovery certificate. The averments as made in the delay condonation application are completely unsubstantiated. The impugned order appropriately has taken into consideration the plea as urged by the petitioner in rejecting the application.

4. I do not find any illegality or perversity in the revisional authority dismissing the petitioner's application for condonation of delay. Learned counsel for the respondent has also relied on an order dated 12.8.2014 passed in a companion writ petition being writ petition No.4117 of 2014 arising between the same parties whereby in another recovery certificate issued against the petitioner and which was also challenged in a Revision, after a delay of 3381 days, the authority having refused to condone the delay, the petitioner had approached this Court. By the said order, the writ petition filed by the petitioner was rejected whereby the Court

recorded that there was no acceptable justification for condoning the delay which is similar to the facts of the present case,.

5. For the reasons as set out, writ petition is devoid of merits and it is accordingly rejected.

{G.S.Kulkarni, J}

Rng

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