

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7022 OF 2014

Shri Adhikarao H. Patil .. Petitioner.
v/s.
The Deputy Registrar, Co-operative Society
Miraj & Others .. Respondents.

Mr. R. A. Naik i/b. Umesh Mankapure, for the Petitioner.
Mr. S. D. Rayrikar, AGP, for Respondent No.1.
Ms. Priya P. Deo i/b. P. B. Deo, for Respondent No.2.

CORAM: M.S.SANKLECHA, J.
DATE : 31st OCTOBER, 2017.

P.C:-

This Petition under Article 227 of the Constitution of India, challenges the order dated 3rd April, 2014 passed by the Divisional Joint Registrar Co-operative Societies, Kolhapur. By the impugned order dated 3rd April, 2014, the Petitioner's revision application from the communication of the recovery certificate dated 25th April, 2004, was dismissed on account of delay of 9 years in filing revision application under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (the Act).

2 It is an un-disputed position that Petitioner had knowledge of the recovery certificate dated 25th April, 2004 issued under Section 101 of the Act. The time to file a revision under Section 154(3) of the Act is, within two months of the communication of the recovery certificate dated 25th April, 2004.

3 Petitioner does not dispute the fact that he had notice of the recovery certificate dated 25th April, 2004 and the only reason to justify the delay made out by the Petitioner is that the recovery certificate dated 25th April, 2004, was served on the wrong address. The impugned order records the fact that Petitioner admits having taken a loan and also non-payment of the same. Further, it records that no sufficient reason to condone the delay of 9 years has been made out, bearing in mind that, Petitioner does not dispute the knowledge of the recovery certificate dated 25th April, 2004.

4 In the present facts, the discretion exercised by the impugned order not to condone the delay, cannot said to be arbitrary and/or perverse. Thus, no interference under Article 227 of the Constitution of India, is warranted.

5 Accordingly, **Petition dismissed.**

(M.S.SANKLECHA,J.)