

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3504 OF 2017
(Rajmata Jijau Co-operative Housing Society Ltd., Garkheda Vs. Jyoti
w/o Devendra Mahadik and another)

Mr.A.N.Nagargoje, Advocate for the petitioner.
Mr.V.B.Kale, Advocate for respondent No.1.

(CORAM : Ravindra V.Ghuge, J.)
DATE : 11/12/2018

PER COURT :

1. The petitioner/Society is aggrieved by the judgment of the Co-operative Appellate Court dated 22/11/2016 by which Appeal No.31/2014 has been disposed of by concluding that as Dispute No.62/2011 filed by the respondent suffers from delay and an application for condonation of delay u/s 92(3) of the Maharashtra Co-operative Societies Act, has not been filed, the disputant would be at liberty to file such an application.

2. I have considered the strenuous submissions of the learned Advocates for the respective sides who have taken me through the chequered history of litigation of these litigating sides.

3. After the conclusions of their submissions, I called upon the learned Advocate for the petitioner to state as to whether the

petitioner would be satisfied if the Co-operative Court is directed to decide the application for condonation of delay filed by respondent No.1, on its own merits and without being influenced by any observations appearing in the various orders placed on record. Learned Advocate for the petitioner submits on instructions that the petitioner would be satisfied if the said application is decided strictly on its merits, uninfluenced by any orders passed earlier in this litigation between the parties.

4. In view of the above, this petition is disposed of. The litigating sides shall appear before the Co-operative Court at Aurangabad on 04/01/2019. Formal notices need not be issued. The petitioner shall file its written say to the application for condonation of delay filed by respondent No.1, on 04/01/2019.

5. Needless to state, the Co-operative Court would consider the said application in the light of the contentions of the rival sides and without being influenced by any observations appearing in any of the orders passed by various Courts including this Court, concerning the litigation between the parties.

(Ravindra V.Ghuge, J.)