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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3615 OF 2017

Bhalchandra B. Jadahv	...Petitioner
V/s.	
The Divisional Joint Registrar, Co-operative Societies, Kolhapur & Ors.	...Respondents

Mr.P.M. Arjunwadkar for the Petitioner.

Mr.S.D. Rayrikar, A.G.P. for the State – Respondent No.1.

Mr.V.S. Talkute for the Respondent No.4.

CORAM : R.D. DHANUKA, J.
DATE : 28TH JUNE, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 9th February, 2017 passed by the learned Divisional Joint Registrar, Co-operative Societies, Kolhapur, Division Kolhapur in the Revision Application No.82 of 2016 rejecting the application filed by the petitioner under section 154 of the Maharashtra Co-operative Societies Act, 1960 on the ground of limitation.

2. Admittedly, the auction proceedings were concluded and the same was confirmed on 5th November, 2012. The petitioner filed a Civil Suit bearing No.51 of 2014 before the Civil Court on 20th

January, 2014. The application for interim relief was filed by the petitioner in the said suit (Exhibit-5). The respondent no.4 had raised an objection about the maintainability of the said civil suit on the ground that the revision application filed under section 154 of the Maharashtra Co-operative Societies Act, 1960 was maintainable against the order passed by the Special Recovery Officer. The petitioner did not withdraw the said suit and awaited the outcome of the said suit. The said application filed (Exhibit-5) was rejected by the trial Court. The appeal preferred by the petitioner was also rejected. The suit was dismissed by the learned trial Court on 22nd February, 2016 on the ground of maintainability and the petitioner. The petitioner thereafter filed the revision application on 18th January, 2016 and filed an application only on 5th February, 2016. It is not in dispute that after expiry of the period of limitation, the petitioner chose to file a civil suit. In these circumstances, learned Divisional Joint Registrar rightly rejected the application for condonation of delay on the ground that the petitioner had failed to explain the gross delay in filing the revision application. I do not find any infirmity in the impugned order passed by the learned Divisional Joint Registrar. The petition is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

(R.D. DHANUKA, J.)