

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 4266 OF 2017**

**Shiradwad Shivnakwadi Panchganga
Sahakari Pani Purvatha Ltd.**

..... Petitioner

VERSUS

**Assistant Registrar,
Co-operative Societies, Taluka Shirol & Ors. Respondents**

Mr.Prashant P. Kulkarni for the Petitioner.

Mr.Akshay P. Shinde for the Respondent no.2.

CORAM : R.D. DHANUKA, J.

DATE : 10th APRIL, 2018

P.C.

By this writ petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 31st January,2017 passed by the respondent no.3 thereby dismissing the application for condonation of delay of 1 year and 5 months in filing revision application.

2. Learned counsel for the petitioner invited my attention to the application filed by the petitioner for seeking condonation of delay and more particularly paragraph (3). The application for condonation of delay is opposed by the respondent no.2 on the ground that the delay was not satisfactorily explained.

3. Learned counsel for the respondent no.3 has rejected the

application for condonation of delay on the ground that the reasons recorded by the petitioner in the application for condonation of delay were not satisfactory.

4. Learned counsel for the petitioner submits that the petitioner society is a society of farmers having 225 members. The revision application could not be filed for various reasons already set out in the application for condonation of delay.

5. In my view, the delay is not fully and satisfactorily explained in the application for condonation of delay. However on payment of cost of Rs.10,000/- which shall be paid by the petitioner to the Kirtikar Law Library within two weeks from today, the delay can be condoned and the revision application can be directed to be heard on merits. I, therefore, pass the following order :-

(a) The impugned order dated 31st January, 2017 passed by the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur is set aside.

(b) Delay of 1 year and 5 months in filing revision application is condoned. Revision Application No.413 of 2016 is restored to file and the same shall be heard on its own merits.

(c) The receipt as may be issued by the Kirtikar

Law Library shall be produced for the perusal of the Sheristedar of this court within one week from the date of making payment of cost.

(d) Respondent no.3 shall hear the matter expeditiously.

(e) The parties shall not apply for any unnecessary adjournment before the respondent no.3.

6. The writ petition is made absolute in the aforesaid terms.

[R.D. DHANUKA, J.]