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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2279 OF 2018

Mumbai District Central Co-op. Bank Ltd. ...Petitioner
V/s.
The Maratha Market Peoples Co-op. Bank Ltd. & Ors. ...Respondents

Mr.Sampatrao A. Pawar for the Petitioner.

Mr.Aloukik R. Pai I/b Ms.Apurva M. Bhat for the Respondent No.2.

CORAM : R.D. DHANUKA, J.
DATE : 29TH OCTOBER, 2018.

P.C. :-

1. By this petition filed under under Article 227 of the Constitution of India, the petitioner has impugned the order dated 28th February, 2017 passed by the Maharashtra State Co-operative Appellate Court allowing the application for condonation of delay filed by the respondent no.2 in M.A. No.04 of 2017. The respondent no.2 had admittedly filed the written statement however, did not remain present when the award was rendered by the Maharashtra State Co-operative Appellate Court. The respondent no.2 is the Director of the respondent no.1, who is admittedly in liquidation. Learned Liquidator has been already appointed in respect of the respondent no.1. There was delay of about one month and 20 days in filing the appeal before

the Maharashtra State Co-operative Appellate Court arising out of the award rendered by the Maharashtra State Co-operative Appellate Court. The respondent no.2 had rendered various reasons for delay in filing that appeal. The learned Maharashtra State Co-operative Appellate Court has while allowing the condonation of delay application has imposed the fine of Rs.2,000/-. Mr.Pai, learned counsel for the respondent no.2 states that if this Court comes to the conclusion that the costs of Rs.2,000/- awarded by the Appellate Court is not sufficient, his client is ready and willing to pay the costs of Rs.5,000/- to the petitioner. The statement is accepted.

2. In my view, the interest of justice would be met with if the respondent no.2 is directed to pay the costs of Rs.5,000/- to the petitioner as costs, instead of Rs.2,000/- after deducting the said amount of Rs.2,000/-, if already made within two weeks from today. The respondent no.2 is permitted to make payment of Rs.3,000/- to the advocate for the respondent, who will receive that amount on behalf of his client.

3. The writ petition is accordingly disposed of in aforesaid terms.

(R.D. DHANUKA, J.)