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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4911 OF 2016
WITH
WRIT PETITION NO.4912 OF 2016
WITH
WRIT PETITION NO.4913 OF 2016
WITH
WRIT PETITION NO.4914 OF 2016

The C.K.P. Co-operative Bank Ltd. ...Petitioners

V/s.

The Divisional Joint Registrar,
Co-op. Socs, Mumbai & Ors. ...Respondents

Mr. Prasad Kulkarni for the Petitioners.

Ms. Geeta Sonawane, A.G.P. for the State – Respondent Nos. 1 and 2.

Mr. V.S. Kapse i/b Mr. P.G. Kathare for the Respondent No. 3.

CORAM : R.D. DHANUKA, J.
DATE : 6TH AUGUST, 2018.

P.C. :-

1. By these petitions filed under Article 227 of the Constitution of India, the petitioners have impugned the order passed by the learned Divisional Joint Registrar condoning the delay in filing the revision application by the borrower.

2. Pursuant to the order of this Court, the petitioners have filed separate affidavits in four petitions stating that certain amounts are paid by the borrowers after issuance of the recovery certificate by

the Authority under section 101 of the Maharashtra Co-operative Societies Act, 1960 (for short "the said Act").

3. Learned Divisional Joint Registrar shall consider these facts filed by the petitioners in this Court in these four petitions while considering the issue as to whether any amount is required to be deposited by the borrowers in those revision applications filed under section 154 of the said Act or not.

4. Insofar as the issue of condonation of delay is concerned, in view of the fact that the borrowers have paid certain amounts to the petitioners, interest of justice would be met with if the impugned order passed by the learned Divisional Joint Registrar is not be interfered with insofar as the issue of condonation of delay is concerned. Delay has been rightly condoned by the Revisionary Authority.

5. Learned counsel for the petitioners on instructions states that the learned Divisional Joint Registrar be directed to consider the issue of deposit under section 154(2A) of the said Act in those revision applications filed by the borrowers. The statement is accepted.

6. Learned Divisional Joint Registrar shall consider the issue of deposit, if any, under section 154(2A) of the said Act before entertaining the revision application on merit. This Court does not propose to interfere with the impugned order insofar as condonation

of delay is concerned.

7. The above writ petitions are disposed of in aforesaid terms. There shall be no order as to costs.

(R.D. DHANUKA, J.)