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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 7622 OF 2013

Kanchan Chandrakant Chougule & Anr

...Petitioners

V/s.

Gopinath Patil Parsik Janata Sahakari  
Bank Ltd, Kalwa & Ors

...Respondents

Mr. Umesh Mankapure for the Petitioners.  
Mr. S.D. Rayrikar, AGP for the Respondent No.2.  
Mr. Amol Mhatre for Respondent No.1.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 31ST JANUARY, 2018.**

**P.C. :-**

1. By consent of parties following order is passed:
  - (a) The impugned order dated 02<sup>nd</sup> May, 2013 passed by the learned Divisional Deputy Registrar, Kolhapur Division in Revision Application No. 85 of 2013 rejecting the application for condonation of delay is set aside. Revision Application No. 85 of 2013 along with application for condonation of delay is restored to file on the condition that the petitioners deposit a sum of Rs. 3,50,000/- with the respondent no.1 without prejudice to the rights and contentions of the petitioners as well as respondent no.1 within six weeks from today. It is made clear that if the amount is not deposited by the petitioners

within six weeks from today with respondent no.1, the order passed by this Court setting aside the impugned order dated 02<sup>nd</sup> May, 2013 would stand vacated without further reference to this Court and the petition would stand dismissed.

(b) If the amount is deposited by the petitioners within the time prescribed, the learned Divisional Deputy Registrar, Kolhapur Division shall decide the application for condonation of delay in filing revision application on merits and in accordance with law without being influenced by the observations made and conclusions drawn in the impugned order dated 02<sup>nd</sup> May, 2013. The learned Divisional Deputy Registrar shall render an opportunity of being heard to the petitioners as well as respondent no.1 before passing the order. Depending upon the outcome of the application for condonation of delay, the learned Divisional Deputy Registrar shall take further steps to hear the Revision Application No. 85 of 2013.

(c) The amount directed to be deposited by the petitioners shall be subject to the outcome of the revision application. Both the parties are permitted to file additional pleadings/affidavits before the learned Divisional Joint Registrar, Kolhapur Division and shall serve a copy thereof upon each other. Writ petition is disposed of in the aforesaid terms. No order as to costs.

(d) If the amount is deposited by the petitioners as described

aforesaid, the learned Officer to dispose of the application for condonation of delay as well as revision application within eight weeks from the date of such deposit. The date of meeting shall be fixed by the learned Officer in consultation with both the parties.

**(R.D. DHANUKA, J.)**