

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7054 OF 2018

Rasheedunissa Siddique .. Petitioner
Vs.
The Deputy Registrar Co-operative
Society, H (west) Ward & Ors. .. Respondents

Ms.Shweta Singh i/by Mr.Shriniwas Singh for the petitioner.
Mr.S.D.Rayrikar, AGP for the respondent no.1.
Mr.N.N.Bhadrashete for the respondent no.3.

CORAM : R.D. DHANUKA, J.
DATE : 17th July 2018

P.C.:

. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 4th July 2017 passed by the respondent no.2 rejecting the application for condonation of delay of 11 months and consequently rejecting the revision application filed by the petitioner.

2. Heard learned counsel for the parties and perused the averments made in the application for condonation of delay and also the findings rendered by the respondent no.2 in the impugned order.

3. The petitioner is 80 years old and had rendered various reasons in the application for condonation of delay of 11 months. The respondent no.2 however has not considered the reasons recorded in the application for condonation of delay in right perspective. and has refused to condone the delay.

4. In my view, interest of justice would be met with if the petitioner is directed to pay costs of Rs.5,000/- to the respondent no.2 within two weeks from today.

5. I therefore pass the following order :-

- (i) The impugned order dated 4th July 2017 passed by the respondent no.2 is quashed and set aside.
- (ii) The application for condonation of delay filed by the petitioner is allowed.
- (iii) Revision application filed by the petitioner is restored to file.
- (iv) In view of the fact that the petitioner has already deposited 50% amount under Section 154 (2A) of the Maharashtra Co-operative Societies Act, 1960, the respondent no.2 is directed to hear the original Revision Application No.01 of 2017 on its own merit without being influenced by the observations made and the conclusions drawn in the impugned order dated 4th July 2017.
- (v) The petitioner shall not seek any unnecessary adjournment before the respondent no.2.
- (vi) Writ petition is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.