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

WRIT PETITION NO.4966 OF 2018

Sherbanoo Firoz Tinwala

.Petitioner

vs.

**The Secretary/Chairman Kedy Tower CHS
& Ors**

.Respondents

Mr. Sandeep V. Bane, for the Petitioner.

Mr. Asif Naqvi a/w Yakub Shaikh for the respondent No.1.

Mr.C.D. Mali, AGP for the State.

CORAM : A.S. GADKARI, J.

DATE : 25th June 2019.

P.C.:

1] by the present petition under Article 227 of Constitution of India, the petitioner has taken exception to the Order dated 17th March 2018 passed by the District Deputy Registrar, Mumbai rejecting the application for condonation of delay of 330 days in preferring the revision under section 154 of the Maharashtra Co-Operative Societies Act, 1960 (for short "M.C.S.Act") against the Order dated 5.10.2016 passed by the Assistant Registrar issuing Recovery Certificate under Section 101 of M.C.S. Act.

2] Heard the learned counsel for the petitioner, the learned counsel for the respondent No.1 and the learned AGP for the State. Perused the record annexed to the petition.

3] The learned counsel for the respondent No.1 vehemently opposed the petition. He submitted that, no case for condonation of delay of 330 days is made out by the petitioner and therefore the District Deputy Registrar has rightly rejected the said application.

4] After perusing the record, this Court is of the view that, the petitioner has made out a case for condonation of delay in filing the revisions and in the interest of justice the said delay of 330 days needs to be condoned, however subject to payment of cost.

Hence, the following Order:

(i) The Order of 17th March 2018 passed by the respondent No.2/District Deputy Registrar, Mumbai is quashed and set aside and the delay in filing the Revision is condoned, subject to payment of cost of Rs.10,000/-, to be paid to the High Court Legal Services Authority within a period of two weeks from today.

(ii) The respondent No.2/District Deputy Registrar, Mumbai is directed to hear the Revision of the petitioner on its own merits, provided the petitioner complying with all the necessary requirements

under Section 154 of M.C.S. Act.

(iii) The payment of cost to be paid to the aforestated Authority is condition precedent for condonation of delay and setting aside the impugned Order dated 17th March 2018 passed by the respondent No.2.

(iv) Interim relief granted by this Court by Order dated 13th December 2018 shall remain in force for a period of four weeks from today.

5] Writ Petition is allowed in the aforesaid terms.

(A.S. GADKARI, J.)