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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY***

***CIVIL APPELLATE JURISDICTION***

***WRIT PETITION NO.4627 OF 2019***

Nehrunagar Consumer Co-operative  
Society Ltd.

..Petitioner.

V/s.

Sayaji Maruti Satam & Ors.

..Respondents.

Mr.Dhirij Gole for the petitioner.

Ms.Komal Kandharkar with Shashank More for respondent  
Nos.1 to 4.

***CORAM: NITIN W.SAMBRE, J.***

***DATE : AUGUST 14, 2019***

**P.C.:-**

In the election dispute, the Co-operative Court refused to condone the delay, which order was reversed by the Co-operative Appellate Court.

2. The Appellant Court condoned the delay of 45 days subject to payment of costs of Rs.2,000/-. As such, this petition.

3. The submissions are, in an election dispute, the delay ought not to have been condoned and there is a delay of more than 2 years in preferring the petition.

4. From the pleadings of the petition, it can be noticed that the respondents were before the Division Bench of this Court pursuing their plea to challenge the election for almost a period of one year.

5. Apart from above, the purpose which formed to be basis for the dispute was arising from the elections.

6. In the aforesaid background, the discretion exercised by the Co-operative Appellate Court, in my opinion, does not warrant any interference. As such, no interference is called for.

7. However, in the interest of justice, the costs of Rs.2,000/- is enhanced to Rs.5,000/-.

8. The petition stands disposed of in the above terms.

**(NITIN W.SAMBRE, J.)**