

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

WRIT PETITION NO.11570 OF 2014

Kokila Jesuji Chawda	..Petitioner
Vs.	
The Divisional Joint Registrar	
Pune Division & Ors.	..Respondents

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Mr. S. S. Kanetkar, Advocate for the Petitioner.
Ms. M. S. Bane, AGP for the Respondent No.1 / State.
Mr. Rahul S. Kadam, Advocate for the Respondent No.4.
Mr. Pratap Patil, Advocate for the Respondent No.2 and 3.

CORAM : C.V. BHADANG, J.
DATE : 06th FEBRUARY, 2020

P.C.

. The challenge in this petition is to the order dated 23/4/2013 passed by the first respondent, in Civil Misc. Application No.68/2011, refusing to condone the delay of about four years and eight months in filing Revision Application No.95/2009, challenging the sale certificate issued in favour of the respondent No.4 on 19/3/2004.

2. The dispute between the parties has a chequered history. During the period from 1996 to 2001, the petitioner was granted financial accommodation in the form of four term loan facilities and one cash credit facility. Somewhere in December 2001, the third respondent Bank filed five applications under Section 101 of the Maharashtra Co-operative Societies Act ('Act' for short) for recovery of the amount. The recovery certificates were issued on 14/2/2003.

The amount still remains to be fully recovered. Presently, we are only concerned with the order refusing to condone the delay.

3. The only ground made out in the application for condonation of delay is that from 25/7/2002 to 5/4/2005 the husband of the petitioner was transferred to Goa and therefore, even the petitioner was required to be in Goa with her husband as a result of which the petitioner could not take steps for filing the revision application. This is the only ground made out for showing sufficient cause for condonation of delay of over four years and eight months.

4. I have heard learned counsel for the parties. Perused record.

5. It transpires during the course of arguments, at bar, that there are three revision applications filed by the petitioner, during this period namely Revision Application No.394/2003 on 20/6/2003, Revision Application No.817/2003 on 11/11/2003 and Revision Application No.817/2003 on 10/2/2004. Thus, it cannot be accepted that on account of the absence of the husband of the petitioner she was prevented from filing the revision application challenging the sale certificate.

6. In my considered view, the petitioner has failed to make out any sufficient cause for condonation of delay. The impugned order does not suffer from any infirmity so as to require interference. The petition is without any merit and is accordingly dismissed, with no order as to costs.

7. In this case, admittedly a proclamation was issued for sale of the shop which was offered as a security and public auction was conducted on 14/10/2003 and the shop premises have been purchased by the fourth respondent, in the said auction. It is not in dispute that the fourth respondent has deposited the purchase price and the shop has been put into possession of the fourth respondent.

8. At this stage, the learned counsel for the petitioner points out that the amount of Rs.5,48,800/- deposited by the petitioner before this Court may be returned to the petitioner.

9. Considering the over all circumstances, the amount of Rs.5,48,800/- alongwith interest, if any, shall be paid to the petitioner, within a period of two weeks from today.

C.V. BHADANG, J.

This order is corrected as per speaking to the minutes of the order dated 10/2/2021.