

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1054 OF 2020 AND 1055 OF 2020

Mr. Prafulla Purushottamji Gadge

vs.

Buldhana Urban Cooperative Credit Society Ltd. Through its
duly authorized officer Mr.Vishal s/o Sadanand Irshid

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri. Anjan De, counsel for petitioner.
Smt. Sonali Gadhave h/f. Shri. S. S. Rahimuddin counsel for
respondent.

CORAM : MANISH PITALE J.

DATED : 26/02/2020

This Court has perused the impugned orders in both these writ petitions. Considering the order passed by this Court on 20th December, 2019 in the earlier round of litigation initiated by the petitioner before this Court and the overall facts and circumstances of the case, there appears to be no error in the impugned order passed by the Court below.

2. Yet, there is one area of concern expressed by the learned counsel appearing for the petitioner, which is the observation made by the Court below in these cases to the effect that if the petitioner fails to produce affidavit in evidence before closing of the Court hours on 10/02/2020, the matter will proceed without

evidence. As a consequence of the said observations made by the Court below, the petitioner is now faced with the situation where he may not be able to file affidavit in evidence in support of his prayer for condonation of delay. Although, the petitioner is to blame for the aforesaid situation, but in the interest of justice, it would be appropriate that one more last and final chance is granted to the petitioner to place on record his affidavit in evidence, in support of the application for condonation of delay before the Court below.

3. Accordingly, while dismissing the writ petition, this Court directs that the Court below shall permit the petitioner to place on record his affidavit in evidence in support of the applications for condonation of delay by tomorrow (i.e. 27th February 2020), as a matter of last and final chance, in the interest of justice.

4. It is made clear that the petitioner shall pay the costs as directed by the Court below in the impugned orders.

5. Steno copy be supplied to the parties.

JUDGE