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

**CIVIL APPLICATION NO.8046 OF 2018
IN
FAST/14469/2018**

**THE VAN KARMACHARI GRAH NIRMAN SANSTHA MARYADIT
SANGVI (BK) THROUGH ITS PRESIDENT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. S.S. Halkude, Advocate for the Applicant
Mr. B.V. Virdhe, AGP for Respondent Nos.1 to 3

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 08th DECEMBER, 2021

PER COURT:-

1. Heard Mr. S.S. Halkude, learned counsel for the applicant and Mr. Virdhe, learned AGP for respondent nos. 1 to 3. None present for respondent nos.4 and 5 though notices are duly served.
2. It is an application for condonation of delay moved by the applicant / original claimant. There seems to be delay of 1465 days in preferring the first appeal.

3. Mr. Halkude, learned counsel for the applicant submits that the delay caused in this case was not willful. There was dispute between the Society and the Assistant Registrar of Co-operative Societies, Nanded. In the meanwhile, earlier President of the Society died. Then, present President came to be elected on 20.12.2010. The delay was due to process of liquidation. The said liquidation came to be set aside by the appellate authority.

4. Mr. Virdhe, learned AGP for respondent no.1 / State strongly opposed to condone the delay. He submits that the delay caused in this case is inordinate. No sufficient reasons are assigned for condonation of delay.

5. Having regard to the argument advanced by the learned counsel for the applicant and the learned AGP for respondent no.1 / State and looking to the reasons assigned in the application for condonation of delay, I am convinced to condone the delay. However, subject to payment of costs, which would meet the ends of justice.

ORDER

- (i) The application for condonation of delay moved by the applicant is hereby allowed in terms of prayer clause (B) subject to payment of costs of Rs.5,000/- to the Secretary, High Court Legal Services Sub-Committee at Aurangabad within a period of four weeks from today.
- (ii) The applicant shall furnish undertaking to the Registrar (Judicial) stating that he shall not claim statutory benefits and interest for the delayed period.
- (iii) If the amount of costs is deposited by the applicant within time as stated above, the Registry to make scrutiny of the appeal and it be numbered and place before the concerned Court for admission.
- (iv) If the amount of costs is not deposited within time as stated above, the application for condonation of delay stands dismissed without making back reference to this Court.
- (v) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE