

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

WRIT PETITION NO.2792 OF 2022

1. Dadaba Natha Dahifale,
Age : 59 years, Occu: Service,
2. Mirabai Bhujangrav Dahifale,
Age : 54 years Occu: Housewife,
3. Bhujangrav Natha Dahifale,
Age : 57 years, Occ: Service.

All residing at Kuttarwadi,
Tal. Pathardi, Dist. Ahmednagar.

... PETITIONERS

VERSUS

1. The State of Maharashtra,
(through its Principal Secretary)
Cooperation, Textile and Marketing
Department, Mantralaya,
Mumbai-32.
2. The Divisional Additional Registrar,
(Cooperative Societies),
Nashik Division, Nashik.
3. Deputy Registrar
(Cooperative Societies),
Ahmednagar District Cooperative
Banks Association Ltd.,
Ahmednagar.
4. Ashok Cooperative Bank Ltd.
(through its Manager)
Kothi Road, Ahmednagar

... RESPONDENTS

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Advocate for Petitioners : Mr. U.R. Aute
AGP for Respondent Nos.1 to 3 : Mr. S.N. Morampalle
Advocate for Respondent No.4 : Mr. S.R. Vakil

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CORAM : MANGESH S. PATIL, J.

DATE : 14.07.2022

PER COURT :

Heard both the sides finally. Rule. The Rule is made returnable forthwith. Learned AGP waives service for respondent Nos.1 to 3. Learned advocate Mr. S.R. Vakil waives service for respondent No.4. At the joint request, the matter is heard finally.

2. The petitioners who are suffering recovery certificate had put up a challenge in the form of revision before the Divisional Joint Registrar. Since there was delay, application for condonation of delay was also preferred. By the order under challenge, the delay has been refused to be condoned on the sole ground of noncompliance of Section 154 (2A) of the Maharashtra Co-operative Societies Act, 1960 which requires 50% of the amount mentioned in the recovery certificate to be deposited as a condition precedent for preferring a revision.

3. This Court in the matter of **Dilawar Hakim Shah Vs. Special Recovery Officer, Chiplun Urban Co-operative Bank Ltd. and Ors.; 2006 (3) Mh.L.J. 256** has already concluded that the revision could be entertained only after the delay is condoned and not otherwise. Therefore the condition to deposit the 50% of the amount would be applicable only after the delay is condoned.

4. In view of such a state of affairs, the impugned order is quashed and set aside. The matter is remanded back to the Divisional Joint Registrar who shall now decide the application for condonation of delay on its own merits after hearing both the sides as early as possible and in any case within a period of four weeks. The parties shall appear before that authority on 22.07.2022. There shall no need for any notice to be issued to them.

(MANGESH S. PATIL, J.)