

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

WRIT PETITION NO. 5663 OF 2022

- 1) Damodhar s/o Yeshwant Shejwal,
Age 50 years, Occ. Agriculture.
 - 2) Satyabhama w/o Damodhar Shejwal,
Age 65 years, Occ. Household.
 - 3) Dnyaneshwar s/o Damodhar Shejwal,
Age 45 years, Occ. Agriculture.
 - 4) Sambhaji s/o Damodhar Shejwal,
Age 43 years, Occ. Agriculture,
All R/o. Kondhwad, Tq. Rahuri,
Dist. Ahmednagar.
- ... **Petitioners.**

VERSUS.

- 1) Pawlas s/o Dada Shejwal,
Age 55 years, Occ. Agriculture,
R/o. Kondhwad, Tq. Rahuri,
Dist. Ahmednagar.
 - 2) The District Deputy Registrar,
Co-Operative Societies and
District Registrar for Money
Lending Ahmednagar, Dist.
Ahmednagar.
 - 3) The Divisional Joint Registrar,
Co-Operative Societies, Nashik,
Division, Nashik.
- ... **Respondents.**

...

Advocate for the Petitioners : Mr. Rahul A. Tambe.
Advocate for the Respondent No. 1 : Mr. N. C. Garud.
A.G.P for the Respondents/State : Mr. K.B. Jadhavar.

CORAM : MANGESH S. PATIL, J.

DATE : 07.06.2022.

PER COURT :

Rule. The rule is made returnable forthwith. With the consent of both the sides the matter is heard finally at the stage of admission.

2. Heard the learned advocate Mr. Tambe for the petitioners, learned

advocate Mr. Garud for the respondent No. 1 who is the original complainant who had filed a complaint under Section 18 of the Money Lending (Regulation) Act, 2014, and the learned A.G.P.

3. Being aggrieved and dissatisfied by the order passed by the original authority the petitioner had preferred appeal under Section 18(4) of the Act. Since there was delay of 10 days he submitted an application for condoning it. By the order under challenge the Appellate Authority has refused to condone the delay.

4. Having heard both the sides, it transpires that a statutory right to prefer an appeal is sought to be thwarted on sheer technicalities. The delay was of barely 10 days. Oblivious of the well settled norms of permitting the parties to get the dispute decided on merits, the appellate authority has adopted a pedantic approach and has refused to condone the meager delay of around 10 days.

5. Be that as it may, for the reasons mentioned in the application, the delay deserved to be condoned. The impugned order is clearly perverse, arbitrary and capricious and is liable to be quashed and set aside.

6. The Writ Petition is allowed. The impugned order is quashed and set aside. The application filed by the petitioners for condonation of delay stands allowed.

7. The parties shall appear before the appellate authority on 20.06.2022 and there shall be no need for the appellate authority to issue any notice. The appellate authority shall register the appeal and decide it on its own merits after hearing both the sides.

(MANGESH S. PATIL, J.)

mkd/-