

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8437 OF 2013

ADARSHA MAHILA NAGRI SAHKARI BANK LTD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. V.B.Garud
AGP for Respondents-State: Mrs. G.L. Deshpande
Advocate for Respondent No. 3: Mr. A.C. Darandale

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21st JULY, 2022

ORDER :

1. This petition is directed against the order dated 28.08.2013 passed by respondent No. 2 in Miscellaneous Application No. 38/2012, thereby condoning the delay of one year in filing revision under section 154 of Maharashtra Co-operative Societies Act, 1960.

2. Having heard the learned advocate for the petitioners, learned Assistant Government Pleader and learned advocate for respondents No. 3 and 4, this Court is of the considered view that the impugned order passed by respondent No. 2 is not liable to be interfered with.

3. The respondents in delay condonation application have stated that from time to time they visited the

petitioners/authorities and tried to bring to their notice that there are objections to the auction notice. The authorities assured them that they will ascertain it and their earnest amount would be refunded. However, in spite of repeated visits to the bank, earnest amount of respondents was not refunded and hence, the respondents filed revision. Respondent No. 2 has rightly accepted the said ground and condoned the delay.

4. It is settled legal position that Courts and Tribunals should be liberal in condoning the delay. Substantial rights of the respondents are involved. Fair opportunity to contest the revision on merits needs to be given to respondents. Respondents right to get their grievance raised in the revision redressed, cannot be denied. The discretion exercised by respondent No. 2 in condoning the delay is not liable to be interfered with. There is no illegality or perversity in the order impugned in the present petition. The writ petition *sans* merit is dismissed.

5. It is made clear that the petitioners are entitled to contest maintainability of revision on merits.

[NITIN B. SURYAWANSHI, J.]