

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

WRIT PETITION NO.1000 OF 2020

1. Sadashiv s/o Vishwanath Chukewar,
Aged about 70 years,
Occu. Agriculturist,
R/o Village Ghatbori,
Tah. Mehkar, District Buldhana.
2. Sadashiv s/o Shriram Navale,
Aged 47 years, Occu. Agriculturist and
Teacher, R/o Village Ghatbori, Tah. Mehkar,
District Buldhana. **PETITIONERS**

...V E R S U S...

1. The Divisional Joint Registrar,
Money Lending and Sub Divisional
Joint Registrar, Cooperative Societies,
Amravati Division, Tq. & District Amravati.
2. The District Deputy Registrar,
Money Lending, Co-operative Society,
Sahakar Sankul, Bodha Road,
Buldhana, District Buldhana.
3. Keshav s/o Baba Kolhare,
Aged Major, Occu. Agriculturist,
R/o Village Ghatbori, Tah. Mehkar,
District Buldhana.
4. Chandrabhaga Keshav Kolhare,
Aged Major, Occu. Household,
R/o Village Ghatbori, Tah. Mehkar,
District Buldhana.
5. Punjaji s/o Jankiram Pakhare,
Aged 55 years, Occu. Agriculturist,
R/o Village Ghatbori, Tah. Mehkar,
District Buldhana.

6. The Assistant Registrar,
Cooperative Societies, Mehkar,
Tq. Mehkar, District Buldhana.

7. The Tahsildar,
Mehkar, Taluka Mehkar,
Distt: Buldhana.

..... **RESPONDENTS**

Mr. K. V. Deshmukh, Advocate for Petitioners.
Mr. S. M. Ukey, Add. GP for Respondents 1, 2, 6 & 7/State.
Mr. V. B. Bhise, Advocate for Respondent 4.

CORAM: **ROHIT B. DEO, J.**
DATE: **22nd MARCH, 2022.**

ORAL JUDGMENT:

Civil application to bring on record the legal heirs of deceased respondent 3 who is one of the original complainants, is allowed, Mr. Bhise waives service for the legal heirs.

2. This petition assails the order dated 29.01.2020 rendered by the appellate authority under Section 18 of the Maharashtra Money-Lending (Regulation) Act, 2014 (“Act”) whereby the appeal preferred by the petitioners challenging the order dated 06.06.2019 rendered by the first authority is dismissed solely on the ground of limitation.

3. The appellate authority observes in paragraph 3 that

since the order is rendered on 06.06.2019 the appeal ought to have been preferred within the next thirty days. The learned counsel for the petitioners Mr. Kapil Deshmukh points out that while the order of the first authority may have been rendered on 06.06.2019, the same was communicated to the petitioners only on 20.06.2019 and the appeal is preferred on 19.07.2019. Mr. Kapil Deshmukh emphasizes the well settled position of law that limitation will have to be computed not from the date of the order but from its communication.

4. Mr. Bhise, the learned counsel for respondent 4 does object to this Court entertaining the petition on the premise that the petitioners have the remedy of revision. While the petitioners do have the remedy of revision, existence of alternate remedy is not an inflexible embargo on the power of the Court under Article 227 of the Constitution of India.

5. I note that there is no disputed question of fact involved. In all fairness, it is not even argued by Mr. Bhise that the order was not communicated on the date alleged by the petitioners. In the absence of any factual dispute, and considering that relegating the petitioners to revisional remedy would be an

empty and ritualistic formality, I am inclined to exercise supervisory jurisdiction.

6. The order of the appellate authority is set aside. The matter is remitted to the appellate authority for passing fresh order, after hearing the parties, within thirty days from the date of appearance of the parties.

7. The parties shall appear before the appellate authority on 31.03.2022. It is made clear that no separate notice shall be necessary.

8. The petition is partly allowed in the aforestated terms.

JUDGE

NSN