

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

WRIT PETITION NO. 6643 OF 2022

Mahananda Umesh Gulwe .. Petitioner
Age. 45 years, Occ. Business,
R/o. Village Jamb Tal. Bhoom,
Dist. Osmanabad.

Versus

1. The State of Maharashtra .. Respondents
Through the Registrar of Co-operative
Societies, Maharashtra State, Pune.
2. The Divisional Joint Registrar,
Co-operative Societies, Latur.
3. The District Dy. Registrar,
Co-operative Societies, Osmanabad.
4. Vinod Govindrao Bhanushali,
Age. 45 years, Occ. Manelending
R/o. Adwa Rasta, Barshi, Tal. Barshi,
Dist. Solapur.

Mr.VS. Undre, Advocate for the petitioner.

Mr.K.B. Jadhavar, AGP for the respondent/State.

Mr.S.R.Shirsat h/f. Mr. S.J. Salunke, Advocate for respondent No.4.

CORAM : KISHORE C. SANT, J.
DATED : 13.07.2023

PC :-

01. Heard learned Advocates for the parties. The learned Advocate

for the petitioner at the outset submits that though he is ready to argue the matter on merits, he produces on record an order passed by Division Bench of this Court in Writ Petition No.4108 of 2011 dated 14.07.2014, wherein the Division Bench has set aside the impugned judgment challenged therein, as same was passed after more than one year after hearing of the parties. In view of this judgment, he submits that in the present case also, the learned Registrar General under Money Lending Act and Additional Collector and Special Registrar, Co-operative Societies, State of Maharashtra, Pune had heard the parties on 13.07.2021 and passed order on 02.06.2022 i.e. about after one year and therefore he submits that the said matter needs to be remanded for fresh hearing and passing fresh order.

02. This Court has gone through the judgment and order passed in Writ Petition No.4108 of 2011. The Division Bench by referring Order XX Rule 1 of the CPC has held that the matter was heard and the impugned judgment therein was delivered after more than a year from the date of hearing. Order XX Rule 1 of the CPC prescribes that the judgment be pronounced within 30 days from the date the parties are heard, but where it is not practicable so to do on the ground of exceptional and extraordinary circumstances of the case,

a future date of pronouncement of judgment can be fixed and such date shall not ordinarily be a date beyond 60 days from the date of which the hearing of the case was concluded.

03. The learned Advocate for the respondent vehemently argued that the petition is pending since 2022. Thereafter, the petition had appeared on Board on various occasions and then it is for the first time that the learned Advocate is making this request by relying upon the judgment. He also points out that even before the learned lower Authority, the parties were heard. The judgment was delivered after more than six months of the date of hearing. However, said order is not under challenge and therefore it cannot be gone into now. No observation can be made in respect of that order. Considering this position, this Court finds that present matter also needs to be remanded back to the revisional Authority. The learned Authority is requested to dispose off the matter after hearing the parties afresh within a period of three months from today and deliver afresh judgment.

04. The order under challenge is set aside. This Court has not touched the merits of the matter.

05. The learned Advocate for the petitioner makes a statement that he will not create any third party interest in the property and status-quo shall be maintained. Both the learned Advocates for the parties submit that the pleading is already complete.

06. With above observations, the writ petition stands disposed off.

[KISHORE C. SANT, J.]