

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

19 WRIT PETITION NO.7249 OF 2023

Manoj Prabhakar Prasad,

...PETITIONER

VERSUS

1. The Joint Registrar,
Cooperative Societies,
Aurangabad

...RESPONDENTS

2. Branch Manager,
The Ajinath Urban Co-op.
Bank Ltd. Aurangabad
Branch Osmanpura, Aurangabad

3. Assistant Registrar,
Cooperative Society (Perseva)
Urban Bank Bhavan, Plot No.27
Chinar Garden, Padegaon,
Aurangabad

Mr. Girish L. Awale, Advocate for the petitioner
Mrs. D. S. Jape, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 06th JULY, 2023

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1. Heard the learned advocate for the petitioner and
learned AGP for the respondent/State.

2. Impugned order is passed by the Joint Registrar Cooperative Societies, Aurangabad rejecting the application for condonation of delay that was caused in filing the revision under Section 154 (2A) of the Cooperative Societies Act.

3. Learned advocate for the petitioner vehemently argued that the petitioner had given several proposals to the bank for settling the account by depositing the amount. The bank, however, did not accept the request and filed a proceeding under Section 101 of the Cooperative Societies Act. The Assistant Registrar, Cooperative Societies (Parseva), Marathwada Urban Banks Cooperative Association Ltd., Aurangabad was pleased to grant certificate under Section 101 and directed for an amount of Rs.4,60,753/-. It is the case of the petitioner that this order was passed X-parte. He was not given an opportunity and therefore, principles of natural justice were not followed. He further submits that the learned Joint Registrar ought to have allowed the application for condonation of delay. Technical reason that the petitioner has not paid an amount of 50% of the

due is not legal.

4. Considering the bonafide of the petitioner, said delay ought to have been condoned without insisting of mandatory of deposit of 50%.

5. Learned AGP submits that in view Section 154(2-A) it is necessary condition to deposit an amount of 50% of recovery for entertaining the revision.

6. On considering the submission, this court finds that learned Joint Registrar, Cooperative Societies has rightly passed an order and no illegality is found. Therefore, this court finds that no case is made out for issuance of notice. Writ petition, therefore, stands dismissed.

7. Needless to say that the petitioner to proceed for settlement to the bank.

[KISHORE C. SANT, J.]