

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

37 WRIT PETITION NO.1936 OF 2022

**JAYASHREE DEORAO FUKU
VERSUS
SABHAPATI KRUSHI UTPANN BAZAR SAMITI PARLI AND
ANOTHER**

Mr. V. V. Bhavthankar, Advocate for the petitioner
Mr. S. B. Munde, Advocate for respondent No.1

CORAM : KISHORE C. SANT, J.

DATE : 18th JULY, 2023

P. C.

1. Heard.

2. The challenge in the petition is to the order dated 26-07-2021 passed by the learned Divisional Joint Registrar Co-operative Societies, Latur rejecting the application for condonation of delay of three years and three months that was caused in filing the restoration application in the appeal. The petitioner was given license by APMC, Majalgaon. Because of some complaints APMC passed resolution dated 22-03-2016 bearing Resolution No. 10(1). License/allotment to use the land

Plot No. 89-b came to be cancelled. The petitioner challenged that resolution on 31-06-2016. Said appeal came to be dismissed for default by order dated 05-07-2017. The petitioner thereafter filed an application for restoration wherein the delay of three years and three months is caused. The application for restoration is rejected by order dated 26-07-2021 passed by Divisional Joint Registrar, Co-operative Societies, Latur.

3. The petition is vehemently opposed by the learned advocate for respondent No.1. He submits that no sufficient reasons are assigned by the petitioner to condone the delay. He justified the order passed by the learned Divisional Joint Registrar, Co-operative Societies, Latur.

4. Though the court is not much convinced on the reasons assigned for delay caused in filing the restoration application, only to get an opportunity to the petitioner, the impugned order dated 26-07-2021 is set aside.

(3)

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5. Learned Divisional Joint Registrar Co-operative Societies, Latur is requested to decide Misc. Application No. 79/2020 for restoration on its own merits.

6. This order is subject to cost of Rs.25,000/- to be paid to the Library of the Bar Association of this Court within two weeks.

[KISHORE C. SANT, J.]

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