

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16077 OF 2022

Madhuri Krishna Mohite & Ors.PETITIONERS

V/S

The Assistant Registrar

Co-operative Societies & Ors.RESPONDENTS

...

Mr. Sarang S. Aradhye for the Petitioners.

Mr. A.P. Vanarse, AGP for Respondent Nos.1 and 6.

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CORAM : SANDEEP V. MARNE, J.

DATE : NOVEMBER 1, 2023.

P.C.:

1 The challenge in the Petition is to the order dated 9 February 2017 passed by the Divisional Joint Registrar, Co-operative Societies, Kolhapur Division, Kolhapur rejecting Petitioners' application for condonation of delay.

2 The Revision Application No.314 of 2016 is filed by the Petitioners on 18 July 2016 challenging recovery certificate issued by the Assistant Registrar of Co-operative Societies, Phaltan, on 6 January 2001. There was a delay of more than 15 years in filing the Revision Application. The delay was sought to be condoned on the ground that the Petitioners were

erroneously advised to institute a Civil Suit before the Court of Civil Judge Junior Division, Phaltan and that accordingly they had filed Regular Civil Suit No.215 of 2010. Perusal of the plaint in Regular Civil Suit No.215 of 2010 would indicate that the relief sought by the Petitioners in that suit was not to seek any declaration against the Recovery Certificate dated 6 January 2001. Instead, they sought an injunction against the Defendants, conducting auction in respect of the suit property. Also of relevance is the fact that though the Recovery Certificate was issued on 6 January 2001, the suit was instituted after 9 long years in the year 2010. Mr. Aradhye, the learned Counsel appearing for the Petitioners would fairly admit that the suit came to be dismissed in the year 2013. Thus from the year 2013 till 2016 again the Petitioners went into deep slumber and filed the Revision Application in 2016. Considering the above factual position, it is difficult to hold that any justifiable reason existed for condonation of inordinate delay of 15 long years in filing Revision before the Divisional Joint Registrar. The Petitioners' application for condonation of delay has rightly been rejected by the Divisional Joint Registrar.

3 The Writ Petition, being devoid of merits is dismissed without any order as to costs. All the contentions raised by the Petitioners on merits are kept open.

(SANDEEP V. MARNE, J.)