

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8070 OF 2017

Link Garden CHS Ltd

.. Petitioner

Versus

District Deputy Registrar, Co-operative Society &
Anr.

.. Respondents

.....

- Mr. Abhishek Patil for Petitioner
- Mr. S.D. Rayrikar, AGP for Respondent No. 1

.....

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 03, 2023

P.C.:

1. Heard Mr. Patil, learned Advocate for Petitioner and Mr. Rayrikar, learned Advocate for Respondent No. 1.

2. Perused the impugned order dated 02.03.2017 and the Revision Application dated 26.02.2016 seeking condonation of delay of 39 days forming part of the Writ Petition.

3. Perusal of the impugned order reveals that an unnecessary hyper-technical view has been taken by the concerned Authority for rejecting the Application seeking condonation of delay of 39 days. It needs to be noted that the Applicant (Petitioner herein) is a Co-operative Housing Society. The Revision Application has been filed by the said society for recovery of a substantial amount from Respondent No. 2 which as on today amounts to Rs. 15 Lacs.

4. For the reasons mentioned in paragraph 2 of the Application as well as paragraph 19 of the Revision Application, I am inclined to allow the Writ Petition. The impugned order dated 02.03.2017 is quashed and set aside. Application seeking condonation of delay of 39 days stands allowed.

5. Respondent No. 1 is directed to hear the Revision Application within a period of six weeks from today. Parties shall appear before Respondent No. 1 on 09.01.2023 at 12:00 noon for fixing the date of hearing. Parties are permitted to file their written submissions before the Authority.

6. Respondent No. 1 shall after hearing the parties and considering the oral as well as written submissions, pass a speaking reasoned order.

7. All contentions of the parties are expressly kept open.

8. With the above direction, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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by RAVINDRA
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