



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 WRIT PETITION NO. 2624 OF 2016

PURNAVAD NAGARI SAHAKARI PATSANSTHA MARYADIT
ALGAON THROUGH ITS CHAIRMAN SATYASHIL AVINASH AKOLE
VERSUS
DIVISIONAL JOINT REGISTRAR CO OPERATIVE SOCIETIES NASHIK
AND OTHERS

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Advocate for Petitioner : Mr. Deshmukh Mahesh S.
AGP for Respondent Nos. 1 & 2: Mr. B.A. Shinde
Advocate for Respondent No. 3 : Mr. Gaikwad Pramod S.

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CORAM : R.M. JOSHI, J.
DATE : 19th DECEMBER, 2024

PER COURT :

1. Short question arises in the petition that as to whether it was open for the Divisional Joint Registrar to reject Revision Application No. R-28 of 2012, only for the reason that there is no separate application filed for condonation of delay.
2. Learned counsel for the petitioner apart from drawing attention of the Court to the facts of the case has referred to Section 154 of the Maharashtra Co-operative Societies Act and sub-clause 3 which according to him does not contemplate filing of any separate application for condonation of delay.
3. He also placed reliance on the judgment of the division bench of this Court in case of *Macchindranath Adiwasi Masemari and Others Versus State of Maharashtra and Others*, 2015 (7) Bom.C.R. 345.
4. Learned counsel for the respondent no. 3 supported the impugned order by contending that in absence of any separate application, Divisional authority has rightly rejected the same. To support his submission,

he placed reliance on the judgment of Hon'ble Supreme Court in case of *Ragho Singh Versus Mohan Singh and Others*, (2001) 9 SCC 717, so also the judgment of the Single Judge of this Court in Writ Petition No. 2820/2002.

5. As far as present case is concerned, perusal of the revision application clearly shows that there are averments made with regard to the limitations and prayer clause 11 (d) specifically states thus :

"ड . अपीलंट यांनी दाखल केलेले रिव्हीजन अर्जसि योग्य कारणांसाठी विलंब झालेला आहे असे मे . कोर्टाच्या निर्देशनास आल्यास सदरचा विलंब माफ होऊन मिळावा ."

6. It is thus clear that there were averments, so also prayer with regard to the condonation of delay, if any. The impugned order passed by the Divisional Joint Registrar does not take into consideration the said aspect and on hyper technical ground of non filing of delay condonation application, the revision itself is rejected. This Court finds substance in the contention of the learned counsel for the petitioner that Section 154 (3) of the Act, does not mandate filing of a separate application for delay condonation. In any case, it is settled position of law that the filing of separate application for condonation of delay is not mandatory and if the party satisfies the authority/Court by making specific averments and prayers in the main petition/proceedings, it is incumbent on the part of such authority to take into consideration the said prayer and to pass appropriate order.

7. Having regard to the above mentioned facts, the impugned order cannot sustain, hence set aside.

8. Revision Application No. R-28 of 2012 is relegated back to the

Divisional Joint Registrar of Co-operative Societies, Nasik, Division Nasik, for decision afresh.

9. Having regard to the time lapsed in between, the Divisional Joint Registrar, Co-operative Society, is directed to decide the said revision within a period of three months from today.

(R.M. JOSHI, J.)

spc