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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 659 OF 2017**

Shri Suryakant Pandurang Badve ... Petitioner

vs.

Shahu Corner Nagari Sahakari Pat Sanstha ... Respondents
Maryadit and Ors

Mr. Dilip Bodake, for the Petitioner.

Mr. P.V. Nelson Rajan, AGP for the State.

CORAM : GAURI GODSE, J.

DATED : 20th FEBRUARY, 2024

P.C. :-

1. Heard.

2. This writ petition takes an exception to the order passed by the Divisional Joint Registrar, rejecting the application for condonation of delay filed by the petitioner in filing Revision Application for challenging auction sale dated 26th December 2012. The said application for condonation of delay is rejected on the ground that no satisfactory explanation is given for the delay of 3 and ½ years in filing Revision Application.

3. Learned counsel for the petitioner submitted that though the

petitioner learnt about the auction sale on 26th February 2013, he was unable to immediately file the Revision Application as he had filed objections before the Recovery Officer. He submitted that in the application for condonation of delay the petitioner has referred to proceedings that were initiated by the original Opponent No. 14 i.e. principal borrower with respect to the objections to the auction and writ petition was also filed before this Court. He therefore, submitted that after the said proceedings were over, the petitioner had filed the Civil Suit and after disposal of the Civil Suit, the Revision Application was filed. He therefore submitted that the delay in filing the Revision Application was explained in the delay condonation application and hence, the Revisional Authority ought to have granted an opportunity to the petitioner for hearing the Revision Application on merit.

4. I have perused the proceedings in respect of auction sale. It is not in dispute that the Civil Suit filed by the petitioner was rejected on 27th October 2015, wherein the petitioner had raised an objections to the auction sale. After dismissal of the said suit on 22nd October 2015, the Revision Application came to be filed on 21st September 2016. Perusal of the delay condonation application does not refer to the date of rejection of the said suit. The application also

does not explain the delay from the date of rejection of the suit till filing of the Revision Application which is almost after a year. The Revisional Authority has considered the submissions of the petitioner and has dealt with all the contentions in detail by referring to various proceedings and dates of disposal of the same.

5. Perusal of the application for condonation of delay does not indicate that the petitioner has explained the long delay of 3 and ½ years in filing the Revision Application.

6. I do not find any error and/or illegality in the reasons recorded in the impugned order. There is no reason seen to interfere in the impugned order. The petition is devoid of any merits. Petition is dismissed.

(GAURI GODSE, J.)