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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12181 OF 2019**

Vasantrao Chougule Nagari Sahakari ... Petitioner
Patsanstha Maryadit, Kolhapur

Vs.

Parshwanath Co-operative Bank Ltd., ... Respondents
Kolhapur and Others

Mr. S. S. Patwardhan i/b. Mr. Bhooshan Mandlik for the Petitioner.
Ms. Sulbha Chipade, AGP for the State.

CORAM : GAURI GODSE, J.

DATE : 5th APRIL 2024

P.C.

1. This petition takes an exception to order rejecting petitioner's application for condonation of delay in filing revision application. The revision application was filed for challenging the recovery certificate issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960 ["MCS Act"] against respondent nos. 3 to 8 on an application filed by respondent no. 1. There was delay of eight years and six months in filing the application.

2. Learned counsel for the petitioner submitted that the reason for challenging recovery certificate was essentially on the ground that the petitioner had advanced loan to respondent nos. 3 to 8 and the property mortgaged with the petitioner was sold in execution of the recovery certificate issued in favour of respondent no. 1.

3. Learned counsel further submitted that there were civil proceedings pending between the parties and later as per legal advise revision application was filed for challenging the recovery certificate. Hence, revisional authority ought to have condoned delay considering the reasons for condonation of delay as pleaded by the petitioner.

4. I have perused the papers. The revision memo shows that the petitioner has challenged the recovery certificate issued in favour of the respondent no. 1 for recovery of the loan advanced to respondent nos. 3 to 8.

5. The revision application appears to have been filed only on the ground that the petitioner had a charge on the property which was sold in execution of the recovery certificate issued in favour of respondent no.1. Revisional Authority has rejected the application for condonation

of delay on the ground that various other litigations were pending and the petitioner was aware about the issuance of recovery certificate and there was no justifiable ground for condonation of delay. The revisional authority further held that the petitioner has no locus to challenge the recovery certificate in favour of respondent no. 1.

6. Considering the aforesaid facts, I do not find any illegality or error in the reasons recorded by the revisional authority in rejecting the application for condonation of delay. It appears that the petitioner had also raised the objections on the same ground in the auction proceedings for execution of the recovery certificate in favour of respondent no. 1. Hence, no ground is made out for invoking powers under Article 227 of the Constitution of India to interfere with the impugned order.

7. Petition is devoid of merits. For the reasons stated above petition is dismissed.

[GAURI GODSE, J.]