



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAS) NO. 784 OF 2024

IN

SECOND APPEAL STAMP NO. 16944 OF 2024

Dobinagar Cooperative Housing Society thr. Its President

Vs

Shri Banwarilal s/o Kedarmalji Jejani and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.S. Tidke, counsel for appellant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 19/11/2024.

1. This is an application for condonation of delay in referring the appeal against the judgment and decree passed by the First Appellate Court i.e. District Judge-2, Nagpur, as well as the order below Exhibit No.24.

2. It is submitted by learned counsel that the appellant is a Cooperative Society registered under the Maharashtra Cooperative Societies Act and run through the managing committee. The present managing committee was elected in April-2023, as per the provisions of the Maharashtra Cooperative Societies Act, 1960. Thereafter, the president was elected, who was looking after the affairs of the appellant society. The earlier president has not informed the newly elected managing committee about pendency of the first appeal. The newly elected managing committee was not aware about the pendency of the matter, and

subsequently it came to the knowledge of the present President, and thereafter, he approached the counsel, and certificate copies were obtained, and therefore, a delay of 113 days is caused. The delay is not an intentional one. There is sufficient and satisfactory reason for the condonation of delay. In view of that, the delay be condoned.

3. Though the notice to the respondent is served, none appears on behalf of the respondent. Perused the application and the reasons mentioned therein, which is supported by the affidavit. The reasons mentioned in the application appear to be just and satisfactory, and the delay is properly explained. In view of that, the application for condonation of delay is allowed.

4. Delay of 113 days in filing the second appeal is hereby condoned.

5. Office to register the Second Appeal.

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1. After registration of the appeal, the appeal be placed before this Court to consider whether there was a substantial questions of law involved in it or not.

2. Stand over on **27/11/2024**.

[URMILA JOSHI-PHALKE, J.]