



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

929 WRIT PETITION NO. 6751 OF 2024

Shri Laxmi Mahila Sahakari Patsanstha Maryadit Through Its Recovery
Officer

VERSUS

Laxmi Ankush Potan And Others

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Mr. Deepak D. Choudhari, Advocate for the Petitioner

Mr. S. R. Shirsat, Advocate for Respondent No.1

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CORAM : ABASAHEB D. SHINDE, J.

DATED : DECEMBER 12, 2025

P.C.:

1. Heard.

2. By this Writ Petition, the petitioner takes an exception to the order dated 11.12.2023 passed by the learned Member, Maharashtra State Cooperative Appellate Court, Mumbai, Bench at Aurangabad [for short "the Appellate Court"] in Miscellaneous Application No.64 of 2023 by which the Appellate Court has condoned the delay of 466 days in filing an appeal preferred by the Respondent herein.

3. The learned Counsel for the petitioner vehemently submits that the learned Appellate Court has committed an error by allowing the said application filed by the respondents seeking condonation of delay despite the fact that there is no sufficient cause and plausible explanation offered. The learned Counsel for the petitioner submits that

dispute was filed seeking recovery of loan amount from the husband of respondent no.1 and after he expired, respondent no.1 herein was added as a party opponent in the original dispute. It is further submitted that there are specific observations in the impugned order that there is no sufficient cause shown seeking condonation of delay. The Appellate Court erred in condoning the delay in filing an appeal challenging the award passed by the Co-operative Court, Ahmednagar.

4. Per contra, the learned Counsel for Respondents has taken this Court though the application seeking condonation of delay and has pointed out that during the pendency of dispute the husband of respondent no.1 herein died and thereafter she was added as a party opponent and she being a widow was not aware of the legal proceedings and by inviting paragraphs 5 to 7 of the application the learned Counsel for the respondent would urge that Respondents has shown sufficient cause.

5. The learned Appellate Court observed in paragraph 7 of the impugned order that the grounds set out for condonation of delay was not at all convincing and acceptable, be that as it may. However, the fact remains that Respondent No.1 being a widow and in order to give her a fair opportunity to contest the appeal on merit being a statutory right, I find the order passed by the Appellate Court in condoning the

delay do not call for any interference, however, in order to balance the equities, since while condoning the delay, Appellate Court has not compensated the petitioner with appropriate cost, considering the delay of 466 days, I am inclined to modify the order passed by the Appellate Court.

6. In that view of the matter, I pass the following order :-

:: ORDER ::

- i. Impugned order dated 11.12.2023 passed by the learned Member, Maharashtra State Cooperative Appellate Court, Mumbai, Bench at Aurangabad in Miscellaneous Application No.64 of 2023 stands modified.
- ii. Respondent Nos. 1 to 3 to pay cost of Rs.20,000/- to the petitioner herein within a period of three (3) weeks from today, failing which it would be treated as rejection of the application for condonation of delay.
- iii. Writ Petition stands disposed of accordingly.

[ABASAHEB D. SHINDE, J.]