



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

38 WRIT PETITION NO. 3035 OF 2019

THE URBAN CO OP BANK LTD DHARANGAON THROUGH ITS BRANCH
MANAGER AND AUTHORIZED OFFICER

VERSUS

THE DIVISIONAL JOINT REGISTRAR CO OPERATIVE SOCIETIES NASHIK
AND OTHERS

Mr. D.B. Thoke, Advocate for the petitioner.

Mr. B.B. Bhishe, AGP for the respondent-State.

Mr. A.N. Nagargoje, Advocate for respondent No.3.

CORAM : KISHORE C. SANT, J.

DATE : 03.12.2025

PC :-

01. Heard learned Advocate for the petitioner, learned AGP for respondent No.1, learned Advocate Mr. Nagargoje for respondent No.3. None appears for respondent No.2 inspite of service of notice.

02. This petition is directed against an order passed by the learned Divisional Joint Registrar, Cooperative Societies, Nashik Division, Nashik dated 15.07.2017 dismissing revision application filed by present petitioner, as it does not survive. The main reason assigned is that the petitioner had filed revision without filing even application for condonation of delay, when there was delay of about 3 years, 5 months and 24 days, as observed by the Authority. Though there are certain other observations, this Court need not go into that.

03. Learned Advocate Mr. Thoke vehemently argued that the petitioner bank had created charge on the property in the year 2007 by inviting attention to 7/12 extract. He submits that some time thereafter charge of respondent Nos. 2 and 3 was created behind back of the petitioner. The petitioner is not supposed to have knowledge of the said charges. Now, when the property is tried to put for auction, at that time it is realized that there is charge created in favour of respondent Nos. 2 and 3 subsequently. Though there is good case on merit, merely on technical ground, the revision came to be dismissed. He thus prays to allow this petition.

04. Learned Advocate Mr. Nagargoje vehemently opposes this petition. He submits that it is trite law that unless delay is condoned, no revision can be entertained. For condonation of delay, basic requirement is to file an application for condonation of delay. In the present case, no such application is filed. He tried to argue even on merits. However, this Court at this stage finds that it is not necessary to go into merits as revision itself is not entertained, on the ground of delay.

05. This petition can be disposed off by keeping it open to the

petitioner to file necessary application before the Authority. It would be, thereafter, open for the Authority to consider the application on its own merits. For the purpose of delay, the time spent before this Court shall also be considered by the learned Authority.

06. With the above observations, this Writ Petition is allowed. Impugned order is quashed and set aside. Liberty is granted to the petitioner to apply to the Authority afresh with condonation of delay application. Needless to say that all points are kept open.

[KISHORE C. SANT, J.]