

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15332 OF 2023
WITH
WRIT PETITION NO.15333 OF 2023

Jankalyan Urban Cooperative Bank Through Its Authorized Officer
Raghoba Khandu Tompe

VERSUS

Divisional Joint Registrar Cooperative Society And Others

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Advocate for the Petitioner : Mr. S.S. Deshpande (through V.C.)
AGP for Respondent/State : Mr. D.R. Korade
Advocate for Respondent No.3 : Mr. Naiknavare Ramesh Vitthal & Mr.
Mane Ajay R.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 03, 2025

PER COURT :-

1. Heard learned advocates appearing for respective parties.
2. The present petitions take exception to order dated 20.10.2022 passed by Divisional Joint Registrar, Co-operative Societies, Latur thereby rejecting application filed by petitioner seeking to condone delay caused in filing revision against order dated 13.05.2019 passed by Assistant Registrar, Co-operative Societies, Tuljapur.
3. Learned advocate appearing for petitioner submits that delay of 26 days was caused in filing revision under Section 154 of Maharashtra Co-operative Societies Act. The reason mentioned in the application is that because of internal audit program by bank, the

delay has been occasioned. However, the learned Divisional Joint Registrar refused to condone the same on the ground that delay is not explained for each and every day. He would therefore urge to condone delay, to allow writ petition and condone delay caused in filing revision.

4. Mr. Naiknaware, learned advocate appearing for respondent no.3 vehemently opposed the prayer. He submits that even the present writ petition is filed after one year of passing the impugned order and there is no explanation for delay and laches.

5. Having considered submissions advanced, it can be observed that the petitioner had exhausted statutory remedy of filing revision against the order passed by Assistant Registrar Co-operative Society, Tuljapur. The delay of 26 days occurred in filing revision. In paragraph nos.3 and 4 of application, reasons are given to explain delay which read thus :

“3. That the revision petition ought to have preferred the revision petition within the prescribed period from the date of order in the present matter. Order under revision seemed to be passed on 13.05.2019.

4. That the program of internal audit was implemented in the bank at the flag end of limitation to prefer the revision. The documents required for preferring the revision were handed over to the auditor due to which the petitioner was unable to file the revision. As soon as petitioner received the documents immediately he filed this revision petition.”

6. Unfortunately, the Divisional Joint Registrar rejected contention of petitioner on the ground that delay of each and every day is not properly explained and even reasons as stated is not supported by documentary evidence. It is trite that in the matter of delay condonation, liberal approach needs to be adopted. The Court or authority is required to consider whether explanation is reasonable and acceptable or whether the delay is intentional or malafide. In present case, nothing is discernible from the record to show that the delay is deliberate or intentional. The petitioner has not derived any advantage by making delay. In view of aforesaid facts, delay ought to have been condoned. Therefore, this Court is of the view that impugned order cannot be sustained in law and liable to be quashed and set aside.

7. Mr. Naiknavare, learned advocate appearing for respondent is justified in opposing writ petition on the ground that it has been filed after one year of impugned order. However, such objection can be ruled out by awarding compensatory cost to respondent, as delay in filing writ petition itself cannot be a ground to not to entertain petition.

8. In that view of matter, both writ petitions are allowed in terms of prayer clause (B), subject to deposit of cost of Rs.15,000/- each within a period of four weeks from today. On deposit of cost with Divisional Joint Registrar, Co-operative Society, Latur, same be

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disbursed to respondent no.3. In case of failure to deposit cost within stipulated period, impugned order shall govern the proceeding.

(S.G. CHAPALGAONKAR, J.)

Mujaheed//