

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
WRIT PETITION NO.3297 OF 2019**

Vijay Neminath Sangave,
Aged 52 Years, Occupation Agriculturist,
R/o. Chokak, Taluka Hatkanangale,
District Kolhapur.

..Petitioner
(Original Applicant)

Versus

1. Divisional Assistant Registrar,
Co-operative Society,
Kolhapur Division, Kolhapur.
2. Deputy Registrar of Co-operative
Society, Taluka Hatkanangale,
District Kolhapur.
3. Jwahar Nagari Pat Sanstha Ltd.,
Rukado, Taluka Hatkanangale,
District Kolhapur.
4. Suresh Baburao Todkar,
r/o. Chokak, Taluka Hatkanangale,
District Kolhapur.
5. Babaso Shivgunda Patil,
R/o. Chokak, Taluka Hatkanangale,
District Kolhapur.
6. State of Maharashtra.

..Respondents
(Original Opponents)

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Mr. Gajanan Mahadev Savagave, Advocate for Petitioner.
Mr. Sanjay D. Rayrikar, AGP for Respondent Nos.1, 2 and 6.
Mr. Chetan G. Patil a/w Mr. Prathamesh P. Magadum a/w Ms.
Siddheshwari R. Chavan, Advocate for Respondent No.3.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 25th SEPTEMBER, 2025.**

JUDGMENT:-

1. Rule. Rule made returnable forthwith. With consent of parties,
matter is taken up for final hearing at admission stage.

2. The present Writ Petition takes exception to order dated 01.03.2018 passed by learned Divisional Joint Registrar, Co-operative Society in Revision Application No.14/2017, whereby petitioner's prayer to condone delay caused in filing Revision Application under Section 154 of Maharashtra Co-operative Societies Act, 1960 (for the sake of brevity hereinafter referred as 'MCS Act, 1960') has been declined.

3. The petitioner contends that his father late Neminath Sangave had obtained loan of Rs.3,00,000/- from respondent no.3-Society. Since there was default in repayment of loan, Society applied for issuance of recovery certificate under Section 101 of MCS Act, 1960. The Competent Authority issued recovery certificate dated 17.04.2007 in favour of respondent no.3-Society. According to petitioner, he came to know about such certificate in year 2017 and thereafter, immediately filed Revision under Section 154 of MCS Act, 1960 alongwith application for condonation of delay. However, learned Divisional Joint Registrar rejected application observing that delay is not properly explained.

4. Mr. Gajanan Savagave, learned Advocate appearing for petitioner submits that loan of Rs.3,00,000/- was obtained by petitioner's father. The recovery certificate was issued without following due process of law. As soon as petitioner came to know about recovery certificate issued under Section 101 of MCS Act, 1960, he obtained copy of

certificate and filed Revision Application. Although there is delay of 9 years 8 months and 19 days, same is not intentional.

5. Per contra, Mr. Chetan Patil, learned Advocate appearing respondent no.3 vehemently opposes petition contending that reason employed for delay condonation is palpably false. Even on merit, petitioner has no case since recovery certificate was issued by following due process of law. The petitioner was well aware about same. He has exhausted various other remedies to stall recovery proceeding initiated by respondent no.3 and filed Revision Application after inordinate delay, which is not explained at all.

6. Having considered submissions advanced on behalf of learned Advocates appearing for respective parties, it can be observed that petitioner seeks to challenge recovery certificate dated 17.04.2007 by filing Revision Application in year 2017. Only reason employed in application seeking condonation of delay caused in filing revision is that applicant was not aware about such certificate and copy of such certificate was not provided to petitioner or his father. However, Mr. Chetan Patil, learned Advocate appearing for respondent no.3 invited attention of this Court to copy of writ petition that was filed by petitioner in year 2011, wherein petitioner has annexed copy of recovery certificate dated 17.04.2007. Pertinently, petitioner had assailed orders passed in auction proceeding in respect of mortgaged property in pursuance to recovery certificate. Even from contentions of

petitioner in present application, it can be gathered that petitioner's brother had initiated proceeding in Civil Suit No.266/2009 before learned Civil Judge Senior Division, Ichalkaranji alleging that respondent no.3 has prepared bogus loan account and obtained false recovery certificate.

7. The aforesaid factual aspects clearly depicts that petitioner and his brother were well aware about recovery certificate issued under Section 101 of MCS Act, 1960 against his father. It is matter of record that petitioner's father never challenged recovery certificate during his lifetime, although he died after two years of issuance of recovery certificate. Apparently, petitioner was well aware about issuance of recovery certificate, however, instead of raising challenge in Revision Application, petitioner's family members made every attempt to stall recovery proceeding and after finding unsuccessful in those attempts, preferred this Revision Application under Section 154 of MCS Act, 1960 after more than 9 years. In that view of matter, impugned order cannot be faulted.

8. In result, Writ Petition stands dismissed.

9. Rule stands discharged.

(S. G. CHAPALGAONKAR)
JUDGE