

Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10115 OF 2024

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AYUB
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The Chairman/ Secretary,
Jai Mangal Moorti Cooperative
Housing Society Ltd.

... Petitioner

V/s.

The Assistant Registrar,
Cooperative Societies, S Ward & Ors.

... Respondents

Mr. Kishor Patil i/b Mr. Pratik B. Rahade, for the
petitioner.

Mr. Ketan Joshi 'B' Panel a/w Mr. Y. D. Patil, AGPT for
the State – respondent No.1 & 2.

Mr. V. Jha i/b Law Law Juris for respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 10, 2025

P.C.:

- 1. Rule.** Rule made returnable forthwith.
- 2.** The petitioner has questioned the legality of the order passed by the Revisional Authority, by which the authority declined to condone the delay in filing the revision application. The respondents have asserted that the delay was of 204 days, whereas according to the petitioner, the actual delay was only 150 days.
- 3.** The petitioner has set out an explanation for the delay in paragraph 19 of the petition, which reads as under:

“19. The Appellant Society received the impugned order

dated 03/02/2023 on 03/03/2023 and another impugned order dated 10/02/2023 on the same day, i.e. 03/03/2023. Immediately thereafter, the Appellant Society contacted its Advocate and on his legal advice issued a letter dated 04/05/2023, which was inwarded on 08/05/2023. The Society was awaiting a reply to this letter. Subsequently, the Assistant Registrar, 'S' Ward, issued a letter dated 01/08/2023, which was received by the Advocate, Shri Nana D. Yelkar, on 06/09/2023, and thereafter by the Society on 20/10/2023. (Copies of the said letter are annexed as Exhibit 'R' collectively). In these circumstances, there is a delay of 150 days in filing the present Revision Application before the Hon'ble District Deputy Registrar, Appellate Authority. The delay may therefore be condoned in the interest of justice."

4. On a careful perusal of the explanation furnished, it is evident that the delay occurred mainly due to procedural correspondence and the time taken in receiving the reply from the office of the Assistant Registrar. The explanation indicates a bona fide effort on the part of the petitioner to pursue the matter diligently. There is nothing to suggest that the delay was deliberate, negligent, or intended to gain any unfair advantage. In such circumstances, denying condonation would defeat the cause of substantial justice.

5. The Revisional Authority, therefore, ought to have taken a liberal view and condoned the delay, particularly when the delay was neither inordinate nor unexplained. The Supreme Court has

consistently held that when the explanation is reasonable and bona fide, technicalities should not prevent the adjudication of a matter on merits.

6. Rule is made absolute.
7. The order dated 7 March 2024 passed by the Revisional Authority refusing to condone the delay is quashed and set aside.
8. The application for condonation of delay stands allowed.
9. The Revisional Authority shall proceed to hear and decide the Revision Application on its own merits, after giving due opportunity of hearing to both parties, in accordance with law.
10. The Writ Petition stands disposed of.

(AMIT BORKAR, J.)