

MPBalekar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.15999 OF 2024

Shree Mukund Shahakari Gruhrachna
Sanstha Maryadit, Thr. its Chairman,
Suresh Nageshwar Tapaswi ... Petitioner

V/s.

Divisional Joint Registrar of Cooperative
Society, Pune and Ors. ... Respondents

Mr. S. S. Panchpor for the petitioner.

Mr. Amit Singh along with Dominic B., Ms. Ashlesha
Suryawanshi, J. Jadhav i/by Mr. A. Nevagi for the
Respondent No.3.

Mr. R. S. Pawar, AGP for the State – Respondent No. 1.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 16, 2025

P.C.:

1. Rule is made returnable forthwith.
2. The challenge in this writ petition arises from an order passed by the Revisional Authority rejecting the petitioner society's application for restoration of its revision application. The revision had earlier been dismissed for non-prosecution on 29 March 2019. The petitioner does not dispute the dismissal. The grievance is confined to the refusal to restore the revision despite an explanation placed on record.
3. The record shows that the petitioner moved an application for restoration on 18 July 2019. In paragraph 2 of that application,

the society explained the delay. It stated that the copy of the dismissal order was received around 22 May 2019. It further stated that during the summer vacation the advocate of the society was not available. After the vacation, the office bearers contacted the advocate and requested him to prepare the restoration application. On this basis, the society sought condonation of a delay of 28 days. This explanation is specific. It is supported by dates. It is not vague or evasive.

4. The Revisional Authority rejected the application for condonation of delay on a different ground. It held that during the pendency of the proceedings, membership had already been conferred. On that reasoning, the authority concluded that no useful purpose would be served by restoring the revision. The authority did not record a finding that the explanation for delay was false or unacceptable. The rejection rested only on the perceived futility of the revision.

5. This approach is legally unsustainable. Mere execution or implementation of the impugned order does not render the main proceeding infructuous. Execution becomes relevant while considering interim protection or stay. It does not determine whether the order itself is lawful. The legality and correctness of an order must be examined on its own merits by the superior authority. If this principle is ignored, every order can be insulated from scrutiny by hurried implementation. Such a consequence finds no support in law. Therefore, the Revisional Authority erred in refusing restoration on this ground.

6. In these circumstances, the explanation for delay deserved consideration on its own merits. The delay was short. The reasons were plausible and supported by the record. No prejudice was shown to have been caused by the delay. The refusal to condone the delay and restore the revision amounts to failure to exercise jurisdiction vested in the Revisional Authority. The restoration application, therefore, deserves to be allowed.

7. Accordingly, Rule is made absolute in terms of prayer clause (b). Revision Application No. 110 of 2015 stands restored to the file of the Divisional Joint Registrar. The authority shall grant an opportunity of hearing to all concerned parties and decide the revision afresh, strictly in accordance with law and on its own merits.

8. The writ petition stands disposed of.

(AMIT BORKAR, J.)