

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

CIVIL WRIT PETITION NO. 5031 OF 2025

Swami Narayan Nagar (D Wing) Co-Op. Hsg. Soc. Ltd. ..Petitioner
Versus
Sangita Suresh Sonar & Ors. ..Respondents

Mr. Ameya Tamhane i/b. A. H. Legal for Petitioner.
Mrs. Savina R. Crasto, AGP for State/ Respondent Nos.2 & 3.
Mr. Anil Kumar Patil i/b. Mr. Digvijay A. Patil for Respondent No.1.

**CORAM : AMIT BORKAR, J.
DATE : 17 NOVEMBER 2025**

PC :

1. Rule. Rule is made returnable forthwith with consent of the parties.
2. The petition questions the refusal to condone a delay of forty nine days in filing the revision under Section 23(2) of the Maharashtra Cooperative Societies Act. The nature of the order challenged in revision affects the civil rights of the parties within the cooperative fold. The law on limitation aims to secure diligence, yet it also recognises that justice must not be sacrificed at the altar of technical lapses. The Court must balance both considerations and examine whether the delay can be condoned to advance substantial justice.
3. The explanation in paragraphs 6 and 7 of the application

does not disclose any compelling circumstance. Yet the dispute concerns the question of membership transmission. Such matters often affect the functioning of the society and the legal position of its members. The delay is short. Denying consideration of the revision on merits would result in a decision on a technical ground instead of an adjudication on substance. In these circumstances, justice warrants a liberal approach. The delay deserves to be condoned. This shall be subject to the society paying cost of five thousand rupees to respondent No. 1.

4. The Rule is made absolute in terms of prayer clauses (b) to (d).

5. The parties shall remain present before the Divisional Joint Registrar on 24 November 2025.

6. The Registrar shall consider the nature of the issue and decide the revision within four weeks from the date the parties appear. The question relates to transmission of membership. Such disputes need timely resolution so that the records of the society remain correct and the rights of stakeholders remain clear.

7. The cost shall be paid within four weeks from today. If the society fails to pay the amount within the said period, the impugned order shall stand confirmed.

8. The petition is disposed of.

(AMIT BORKAR, J.)