

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7215 OF 2025

Padma Chandrashekhar Naidu

...Petitioner

Versus

Divisional Joint Registrar Of Cooperative & Ors.

...Respondents

- Mr. S. S. Panchpor a/w Mr. P.A. Borhade, for Petitioner.
- Mr. A. C. Bhadang, AGP for Respondent Nos.1 to 4.

CORAM: MANISH PITALE, J.

DATE : 09th JUNE 2025.

P. C. :

1. Heard learned counsel for the petitioner.
2. This is a second round of litigation in the present case, for the reason that in the first round, while disposing of Writ Petition No.4405 of 2024, filed by this petitioner on 27th March 2024, this Court directed the petitioner to deposit 50% of the amount recoverable and without expressing any opinion in the merits of the matter directed the Revisional Authority i.e. respondent No.1 to decide the application for condonation of delay filed on behalf of the petitioner.
3. Thereupon, the impugned order dated 02nd May 2025, is passed whereby the application for condonation of delay is dismissed. It is brought to the notice of this Court that the respondent No.5 – Cooperative Bank is likely to take possession of the subject property tomorrow i.e. 10th June 2025. It is

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further informed that the respondent No.5 – Cooperative Bank was served with notice and papers by e-mail today morning. On urgent mentioning, the petition has been taken up on the production board.

4. The learned counsel for the petitioner is pressing for ad-interim relief in the light of urgency in the matter.

5. The learned counsel appearing for respondent Nos.1 to 4 opposes the aforesaid prayer. It is to be noted that the contesting respondent No.5 has not appeared before the Court today.

6. This Court finds *prima facie* substance in the contention raised on behalf of the petitioner that the petitioner had placed on record sufficient material to demonstrate the actual date of knowledge of the recovery proceedings and that thereafter, immediate steps were taken to file the revision proceeding along with an application for condonation of delay. The learned counsel for the petitioner is at pains to point out that the proceeding was in the first place initiated against a dead person of whom the petitioner is one of the legal representatives.

7. It is also a matter of record that in pursuance of the order passed by this Court, 50% of the amount i.e. ₹ 1 Lakh has been already deposited by the petitioner with the respondent No.5 – Cooperative Bank.

8. Hence, this Court is of the opinion that till the next date, the petitioner deserves interim protection.

9. In view of the above, issue notice to the respondents, returnable on **02nd July 2025, “High on Board.”**

10. Mr. Bhadang, learned AGP waives notice on behalf of respondent Nos.1 to 4.

11. Additionally, the petitioner shall serve respondent Nos.5 to 9 by way of private service and file an affidavit of service on or before 27th June 2025.

12. Reply affidavits, if any, by the respondents shall be filed before the next date of hearing.

13. In the meanwhile and till the next date of hearing, there shall be ad-interim relief in terms of prayer clause (c).

14. All concerned parties to act on an authenticated copy of this order.

(MANISH PITALE, J.)