

Shabnoor

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

WRIT PETITION NO.12174 OF 2025

WITH

WRIT PETITION NO.12188 OF 2025

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Dilip Vasant Dani

... Petitioner

V/s.

Pune Peoples Cooperative Bank Ltd.

& Ors.

... Respondents

Mr. Shrivallabh Panchpor a/w Apeksha Jadhav for the
petitioner.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 26, 2025

P.C.:

1. Since the facts and issues of law involved in both these writ petitions are identical, both petitions are being decided by this common judgment.

2. By this petition, the petitioner challenges the order passed by the Cooperative Court, whereby the petitioner's application seeking condonation of delay of six years and twenty days in filing an appeal came to be rejected.

3. The facts leading to the petition are these. Respondent No.1 filed Disputes bearing Nos. 638 and 639 of 2001 against the petitioner and others. The petitioner filed his written statement on 3 April 2003 and contested the disputes. By judgment and award

dated 20 December 2018, the Cooperative Court allowed the disputes. In Dispute No. 638 of 2001, the petitioner along with others was directed to pay Rs.70,49,699/-, and in Dispute No. 639 of 2001, Rs.1,09,05,806/- with 18% interest.

4. Aggrieved by the said awards, the petitioner on 7 January 2005 filed an appeal along with an application for condonation of delay. In the application, the petitioner stated that an inquiry under Section 88 of the Maharashtra Cooperative Societies Act, 1960 had been initiated. Those proceedings continued till the Minister passed an order in 2016. On account of these proceedings and multiple cases filed by the bank and Government officers against several employees of the bank, including the petitioner, he lost track of the disputes. He further stated that even his advocate did not keep him informed about the progress of the matters. It was also his case that from 2017 to 2020 he suffered from health problems, and thereafter, due to the Covid pandemic, he was unable to step out and pursue the appeal.

5. Respondent No.1, bank opposed the application. It was contended that the reasons given by the petitioner do not constitute sufficient cause. No explanation was offered as to why from 2002 till the award of 2018, the petitioner did not take steps to contest the matter. It was further contended that no medical record was produced to prove the petitioner's illness between 2017 and 2020. Respondent No.1 therefore prayed for dismissal of the application.

6. The Cooperative Appellate Court, by the impugned order, rejected the application. It held that the reasons given do not amount to sufficient cause. The proceedings under Section 88 and before the Labour Court had concluded before the award in question. The petitioner, being the Branch Manager of the bank, was fully aware of the pending disputes.

7. The learned counsel for the petitioner argued that the petitioner had shown sufficient cause for condonation of delay. He submitted that this Court ought to take a liberal approach in the matter, particularly since the respondent could always be compensated by imposing costs. It was urged that because of the multiplicity of proceedings against the petitioner, he could not properly attend to the disputes before the Cooperative Court, and therefore, the Appellate Court erred in not condoning the delay.

8. I have considered the rival submissions and perused the record. The sole issue for determination is whether the petitioner has shown sufficient cause for condonation of delay of six years and twenty days in filing the appeal against the award of the Cooperative Court.

9. The law on condonation of delay is well settled. Section 5 of the Limitation Act, 1963 empowers the Court to condone delay if sufficient cause is shown. The test is whether a reasonable and prudent person, placed in similar circumstances, would remain inactive for such a long period.

10. In the present case, the award of the Cooperative Court was passed on 20 December 2018. The petitioner filed the appeal on 7

January 2005, with a delay of six years and twenty days. The explanation offered is that proceedings under Section 88 of the Maharashtra Cooperative Societies Act were initiated, which concluded in 2016, and that during those proceedings, the petitioner lost track of the dispute. It is further stated that from 2017 to 2020 he was suffering from health issues, and thereafter due to the Covid pandemic, he could not pursue the matter.

11. The said explanation does not inspire confidence. The Section 88 proceedings were independent in nature and had no bearing on the disputes decided by the Cooperative Court. The pendency of one proceeding cannot be a ground to remain inactive in another. The petitioner was a Branch Manager of the bank and was fully aware of the disputes filed against him. His plea that he lost track of the proceedings is not acceptable in the facts of the case.

12. The petitioner has also stated that his advocate did not inform him about the progress of the disputes. This plea is vague and unsupported by any material. A litigant cannot be permitted to shirk responsibility by blaming his counsel without any proof.

13. As regards the plea of illness from 2017 to 2020, no medical documents have been produced on record. Even otherwise, the award was passed in 2018 and there is no explanation why from 2003 till 2017 the petitioner did not pursue his remedy. The submission based on Covid pandemic also does not merit acceptance, since the delay had already accumulated long before the pandemic began in 2020.

14. The Cooperative Appellate Court has rightly observed that the petitioner was fully aware of the award and of the proceedings. He has failed to act with diligence. The length of delay, being more than six years, required a strict scrutiny. The reasons placed on record fall short of constituting sufficient cause.

15. The argument of the learned counsel for the petitioner that delay should be condoned by adopting a liberal approach and by awarding costs to the respondent also cannot be accepted. Liberal approach does not mean condonation in the absence of sufficient cause. The Court cannot exercise discretion in favour of an indolent litigant, as that would defeat the object of law of limitation which is founded on public policy.

16. In view of the above discussion, I hold that the petitioner has failed to demonstrate sufficient cause for condonation of delay. The Cooperative Appellate Court has committed no error in rejecting the application.

17. Consequently, no interference is called for under Article 227 of the Constitution of India. The writ petitions stands dismissed. No order as to costs.

(AMIT BORKAR, J.)