



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 8513 OF 2025  
IN WP/11319/2024  
WITH  
WRIT PETITION NO. 11319 OF 2024**

Sampada Nagari Sahakari Patsanstha Ltd Through Its Special  
Recovery Officer And Another

**VERSUS**

The Divisional Joint Registrar Co Operative Societies And  
Others

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Mr. V. H. Dighe, Advocate for Petitioners

Mr. S. D. Ghayal, AGP for Respondent-State

Mr. S. S. Wagh, Advocate for Respondent nos.4A to 4C

Mr. H. U. Dhage, Advocate for Respondent nos.5A to 5C

Mr. K. J. Suryawanshi, Advocate for Respondent no.3

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**CORAM : AJIT B. KADETHANKAR, J.**

**DATED : 09<sup>TH</sup> MARCH, 2026**

**FINAL ORDER :-**

**CIVIL APPLICATION NO. 8513 OF 2025**

. For the reasons stated in the application, Civil  
Application stands allowed.

2. Applicants are permitted to amend the title clause of the  
Writ Petition. Amendment be carried out forthwith.

3. Civil Application stands disposed of.

**WRIT PETITION NO. 11319 OF 2024**

1. Rule. Rule made returnable forthwith.
2. Heard Mr. V. H. Dhage, learned Counsel for the petitioners, Mr. K. J. Suryawanshi, learned Counsel for respondent no.3/borrower, Mr. S. S. Wagh, learned Counsel for respondent nos.4A to 4C and Mr. H. U. Dhage, learned Counsel for respondent no.5A to 5C. None appeared for the respondent no.6.
3. Considering the nature of controversy raised before me, the matter is heard finally by consent of the parties.
4. Borrower namely Bhanudas Dada Patil died. Thereafter the names of legal representatives i.e. present respondent no.3 and 4A to 4C are taken on record.
5. It is undisputed fact that the father of the respondent no.3 was borrower of the present petitioner/society while the deceased respondent no.5 and respondent no.6 were the guarantors to the credit loan facility.
6. Since the borrower failed to repay the loan timely a recovery proceeding initiated by the petitioners against the concerned parties, and recovery certificate under Section 98 of the Maharashtra Co-operative Societies Act, 1960 was issued

by the District Deputy Registrar/Original respondent no.1 on 01.04.2016. The said certificate was challenged by the respondent no.3 before the Divisional Joint Registrar Co-operative Societies, Nashik Division, Nashik vide Revision Application NO.19 of 2024. In the Revision Application, the notices were issued and respondent no.6 did not appear despite having been served. The notices issued to the respondent no.5 remained unserved, and neither revision petitioner nor the present petitioner made any effort to ensure that respondent no.5 was served.

7. Revision Application was heard by the authority.

8. Mr. V. H. Dighe, learned Counsel for the petitioners would submit that the Revision Application was filed on 08.01.2024 together with an application seeking condonation of delay of 08 years. On 10.01.2024, notices on the delay application were issued. On 17.01.2024, the petitioners received the notice. Mr. Dighe, learned Counsel for the petitioners would submit that the petitioners have filed an application and sought time to respond the application for condonation of 08 years delay. He further submits that however without giving opportunity of hearing to the

petitioners or any party, the delay was condoned on 30.01.2024. Mr. Dighe, further submits that no fresh notice on the Revision Petition was issued by the concerned authority to the parties. However, the present petitioners having appeared in the delay condonation application, waived service.

9. The Revision Petition was then heard finally on 29.03.2024 and was closed for orders. On 16.04.2024, the Revision Petition came to be allowed. As against the order dated 16.04.2024, the petitioners are before this Court.

10. Mr. V. H. Dighe, learned Counsel for the petitioners would submit that it is apparent that the authority/the Divisional Joint Registrar, Co-operative Society, Nashik Division, Nashik has not adhered even to the principles of natural justice. He would submit that the delay condonation application was decided hastily without even granting any opportunity of hearing to the petitioners and without giving opportunity to file reply at-least. He would submit that original respondent no.5 namely Mr. Kacharu Yadav Kale was already expired prior to filing of the Revision Application on 21.05.2017. He also pointed out that notices on the legal representatives of respondent no.4 also remained to be

unserved. As such, the entire proceeding was defective for the purpose of its disposal.

11. Mr. Dighe, learned Counsel further submits that even after condonation of delay it was incumbent on the part of authority to issue fresh notice to all the respondents, being a separate procedure in law. Undisputedly, such notices were not issued by the Divisional Joint Registrar to any party. The petitioners, having appeared in the delay condonation proceedings, however waived the notice. Mr. Dighe, learned Counsel for the petitioners was at pains to submit that even in the Revision also no opportunity of hearing was given to the petitioners. As such, Mr. Dighe, learned Counsel for the petitioners would submit that the impugned order be quashed and set aside and the parties be relegated back for fresh hearing on the Revision Application as also on delay condonation application with an adequate opportunity of hearing every party.

12. Mr. K. J. Suryawanshi, learned Counsel for the revision petitioner/respondent no.3 in the present petition would fairly agree with the factual aspect of the matter. He would submit that original revision petitioner is not averse to get placed his

case for adjudication on merits before the Divisional Joint Registrar and would have no objection for giving opportunity of hearing to the concerned parties. He do agree with the fact that the guarantors in the matter as also the other legal representatives of deceased Bhanudas Patil had not received opportunity of hearing. As such for relegation to the concerned authorities, Mr. K. J. Suryawanshi, learned Counsel for respondent no.3 on instructions has no objection. However, he would submit that his right to defend his side or to re-argue the Revision Petition may be kept open.

13. Mr. H. U. Dhage, learned Counsel for the legal representatives of respondent no.5 - Kacharu Yadhav Kale also submits that the legal representatives of deceased Kacharu Kale must be given an opportunity to place the true facts on record the and defend their own interest.

14. Mr. Wagh, learned Counsel for legal representatives of original respondent no.4 Bhanudas Dada Patil also adopts the arguments advanced by learned Counsel Mr. H. U. Dhage.

15. In view of this, I deem it appropriate to dispose of this Writ Petition by setting aside the impugned order and relegating back to all the parties to the Divisional Joint

Registrar, Nashik Division, Nashik to represent their respective merits in the Revision Application no.19 of 2024. Hence, I pass following order:

**ORDER**

- a. The impugned order dated 30.01.2024, as also the order dated 16.04.2024 are quashed and set aside.
- b. All the parties present over here shall appear before the Divisional Joint Registrar, Nashik Division, Nashik on 23.03.2026.
- c. The subject matter proceedings stand restored. The Divisional Joint Registrar, Nashik Division, Nashik shall issue notice to the legal representatives of the respondent no.6.
- d. The Divisional Joint Registrar, Nashik Division, Nashik shall hear the parties on the delay condonation application by giving adequate opportunity of hearing the parties and shall pass appropriate orders accordingly.
- e. Registration of the main Revision Petition shall depend upon the decision in Delay Condonation Application.
- f. Registration of the main Revision Petition shall depend upon the decision of delay condonation application.
- g. Rule made absolute in above terms.
- h. Writ Petition stands disposed of.

( AJIT B. KADETHANKAR, J. )