

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

WRIT PETITION NO. 9036 OF 2024

**SHRI. NAVNATH BANDU PAWAR AND ANOTHER
VERSUS
SHREE KARMAYOGI S. R. PARICHARAK GRAMIN BIGAR SETHI
PATSANSTHA MARYADIT TULAT AND OTHERS**

...
Mr. Kayval P. Shah a/w Mr. Rahul Patil, Advocate for Petitioners
Mr. J. P. Patil, AGP for Respondent No.4/State
Mr. Sarang S. Aradhye a/w Mr. Shantanu Gurav, Advocate for
Respondent No.1

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 22nd JANUARY, 2026

PER COURT :

1. Leave is granted to add the State as party respondent.
Amendment to be carried out forthwith.
2. By this petition filed under Article 227 of the Constitution of India, petitioners seek modification of the order dated 24/04/2024, passed by learned Member, Maharashtra State Cooperative Appellate Court, Mumbai Bench, Pune in Revision Application No.16/2024.
3. By filing appeal before the Cooperative Appellate Court the petitioners challenged ex-parte order passed by learned Judge, Cooperative Court, Solapur in Misc. Application No.23/2019. The Appellate Court set aside the order passed by the Cooperative Court

on condition that the petitioners shall deposit amount of Rs.20 Lakhs on or before 24/05/2024 in their suit loan account lying with the disputant society. In clause (III) of the operative order it is mentioned that *"Failure to deposit the above mentioned amount, the earlier exparte judgment remains standstill, and respondent No.1 society is at liberty to execute the same"*.

4. It is the case of petitioners that they have deposited the said amount on 29/03/2025, 02/04/2025 and 11/08/2025 as they were suffering from financial crises as they had to spend substantial amount for medical treatment of petitioner No.2. In these facts, petitioners seek modification of clause No. (II) and (III) of the order passed by the Cooperative Appellate Court.

5. Heard learned advocate for petitioners, learned AGP for respondent No.4/State and learned advocate for respondent No.1. Perused the record.

6. Taking into consideration the fact that petitioners have shown their bona fides by depositing amount of Rs.20 Lakhs and accepting the reason given by the petitioners for delay caused in depositing the same, this Court is of the view that petition deserves to be allowed.

7. Hence, the following order:-

ORDER

- (i) The writ petition is allowed.
- (ii) In clause (II) of the impugned order dated 24/04/2024 passed in Revision Application No.16/2024, time to deposit the amount on or before 24/05/2024 is hereby extended upto 11/08/2025.
- (iii) Clause (III) of the impugned order is quashed and set aside.
- (iv) The Cooperative Court is directed to consider the case of petitioners on it's own merits after giving opportunity of hearing to the respondents.

(NITIN B. SURYAWANSHI, J.)