

MHCA120001212026



Received On : 22-04-2026
Registered On: 22-04-2026
Decided On : 10-08-2026
Duration : D. M. Y.
18 03 00

Exh. No.19

THE MAHARASHTRA STATE CO-OP. APPELLATE COURT,
MUMBAI BENCH AT PUNE
(BEFORE SMT. V.B.KULKARNI, MEMBER)
Misc. Application No. 37 of 2026

Mahadevi Shivsharan Pomaji,
Through power of attorney holder
Shivsharan Chndramma Pomaji,
R/at Post Wagdari, Tal. Akkalkot,
Dist. Solapur.

.....Applicant

V/s.

01] Solapur Zilla Madhyawarti Sahakari
Bank Maryadit, Solapur
Goldfinch Peth, Solapur.
Through C.E.O.
And 7 others.

.....Respondents

Ld. Adv. Shri. M.R.Kale, for the applicant.

Ld. Adv. Shri. S.K.Hattikale, for the respondent No. 4, 5, 6 & 8.

The respondent No. 1 and 2 are marked exparte.

The respondent No.3 appeared through Secretary.

The claim is abated against the respondent No. 7.

ORDER

(Delivered on 10th of August 2026)

- 1) The present Misc. Application has been filed by the original disputant for condonation of delay caused in filing appeal challenging the judgment and award dated 05/03/2025 passed in the dispute bearing No. 77/2016 by the Judge Co-op. Court Solapur.
- 2) Heard Ld. Advocates for the applicant and the respondent No. 4, 5, 6 and 8. The other respondents are either exparte, absent or expired.
- 3) Considering the application, and the argument advanced on behalf of the parties, following points arise for my determination;

	<u>Points</u>	<u>Findings</u>
01.	Whether the applicant is entitled for condonation of delay caused in filing Appeal?	As per final order.
02.	What order?	As per final order.

4) **REASONS**

POINT NO. 1 :-

It is submitted on behalf of the applicant that, there is delay of 11 months and 13 days caused in filing Appeal. The trial Court has dismissed the dispute for want of jurisdiction. The order of the trial Court is not according to the law. There is merit in the appeal. The applicant is old lady. She has appointed power of attorney holder to

represent her in the dispute. The application for certified copy was made on 11/03/2025 and copy has been received on 07/04/2025. It took time to get certified copy. The applicant is under medical treatment. She is old lady. In the circumstances, it took time to contact advocate and to prefer an appeal. Therefore in the interest of justice delay be condoned by giving proper opportunity to contest the matter on merit.

- 5)** On the other hand Ld. Advocate for the respondent No.4, 5, 6 and 8 has submitted that, the respondents strongly opposed to condone the delay. The Court has given sufficient opportunity to present the case on merit. The order of the trial Court is correct. The delay is not properly explained. The delay is huge. No sufficient ground is given for condonation of delay. In the circumstances, the application be rejected with cost.
- 6)** The impugned order is dated 05/03/2025. The application for certified copy is made on 11/03/2025 and the copies were ready and delivered on 07/04/2025. The application for condonation of delay is made on 22/04/2026. Therefore excluding period of limitation and time spent in obtaining certified copies, there is delay of 11 months and 13 days caused in filing Appeal.
- 7)** The delay is though not satisfactorily explained, it is necessary to give opportunity to contest the matter on merit. Ultimately the Court has to see that substantive justice is being done. Therefore in the interest of justice

delay is condoned subject cost which will compensate inconvenience caused to the respondent No. 8 who is contesting party.

8) If delay is refused to be condoned which may result in a meritorious matter being thrown out of court at the very threshold and cause of justice being defeated. For this view I derive support from the judgment in case of **Collector Land acquisition V/s. Mst. Katiji & other** reported in **1987 S.C.R. (2) 387**.

9) Thus, the Misc. Application is allowed conditionally on payment of cost of Rs.1,000/- by the applicant to the respondent No.8 on or before 19/08/2026. If such order is passed, it will meet the ends of justice and inconvenience caused would be compensated. Thus the argument advanced by either parties is dealt with accordingly and **the point No.1 is answered as per final order.**

10) **POINT NO.2 :-**

In view of above discussion, the M. A. No.37/2026 is hereby allowed conditionally. The delay caused in filing Appeal challenging the judgment and award dated 05/03/2025 passed in the dispute bearing No. 77/2016 by the Judge Co-op. Court Solapur is hereby condoned subject to payment of cost of Rs.1,000/- on or before 19/08/2026 by the applicant to the respondent No.8. The parties are directed to appear before the court on 19/08/2026 and the office is directed to register Appeal

subject to cost compliance and issue notice of Appeal to the respondent No.1 to 3.

Thus the order,

ORDER

- 01]** The M. A. No.37/2026 is hereby allowed conditionally.
- 02]** The delay caused in filing Appeal challenging the judgment and award dated 05/03/2025 passed in the dispute bearing No. 77/2016 by the Judge Co-op. Court Solapur is hereby condoned subject to payment of cost of Rs.1,000/- on or before 19/08/2026 by the applicant to the respondent No.8.
- 03]** The parties are directed to appear before the court on 19/08/2026 and the office is directed to register Appeal subject to cost compliance and issue notice of Appeal to the respondent No.1 to 3.

Dt. 10/08/2026.
Place; Pune.

(Smt. V.B.Kulkarni)
Member
Maharashtra State Co-op. Appellate Court
(Mumbai) Bench, Pune