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 Registered on : 17 – 10 - 2025
 Decided on : 29 – 06 - 2026
 Duration : Year Month Days
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**MAHARASHTRA STATE CO-OP. APPELLATE COURT MUMBAI, BENCH
 AT AURANGABAD
 (Before Smt. S. R. Pawar Member)**

M.A. No.73/2025

Vivek Shankarrao Deshpande,
 Age : 64 years, Occu. Agri & Business,
 R/o. Aditya Nagar, Garkheda,
 Chh. Sambhajinagar.

.....Appellant.

VERSUS

- 1) Prashik Vit Va Chuna Utpadak, Audyogik Co-op.,
 Society Ltd., Hudco, N-11, F/19/5, Aurangabad.
 Through its Secretary,
 Savita Niranjana Wankhede,
 Age : 57 years, Occu. Secretary,
 R/o. N-2, Cidco, Chh. Sambhajinagar.
 & 3 Ors.

.....Respondents.

Mr. G.V. Sukale, Ld. Advocate for the Applicant.
 Mr. G.M. Tayade, Ld. Advocate for the Respondent no.1.
 Mr. N.G. Chakranarayan, Ld. Advocate for the Respondent no.3.
 Respondent nos.2 and 4 are absent, marked exparte.

AURANGABAD.
DATE 29.06.2026.

ORAL JUDGMENT

(Dictated and pronounced in the open court)

- 1) Perused the Misc. Application. Heard Ld. Advocate Mr. G.V. Sukale
 for the applicant. Mr. G.M. Tayade, Ld. Advocate for the Respondent no.1. Mr.

N.G. Chakranarayan, Ld. Advocate for the Respondent no.3. Respondent nos.2 and 4 were served noted absent, hence marked exparte.

2) Being aggrieved and dissatisfied by the order dated 30.11.2024 passed below Exh.19 in Dispute No. 13/2024 by the Co-operative Court, Aurangabad, the applicant (who was the disputant) intend to file an Revision. As there is a delay of 231 days in presenting the Revision, the present Misc. Application has been filed seeking condonation of delay.

3) By filing the application, it is contended by the applicant that, the respondent no.1 herein has filed dispute against the respondent nos.2 and 3 for various declaration and permanent injunction. In the said matter the applicant was not the party. The respondent no.1 / disputant has filed amendment application below Exh.19 and urged for joining the present applicant in the array of party opponent.

4) By the impugned order the said application was allowed by the Ld. Trial court. It is contention of the applicant that prior to allowing the application the Ld. Trial court has not issued show notice to the present applicant and without calling his say the impugned order was passed. The applicant was totally unaware about the order dated 30.11.2024 for the first time, the applicant came to know about the order when on 07.07.2025 the trial court issued notice dated 06.08.2025 thereafter the applicant approached before the trial court and applied for certified copies. After receipt of the same, the present application has been filed.

5) It is the contention of the applicant that, the delay caused is not intentional but circumstantial. If the length of delay is to count from the date of knowledge of order to the applicant then there is no delay. But if, the length of delay is count from the date of passing of impugned order then there is a delay of 231 days which needs to be condoned in the interest of justice. It is the further

case of the applicant that, the applicant has good case of merits. If the delay is not condoned the applicant will be permanently precluded from raising his defence. Thus, the present application filed for condonation of delay.

6) Show cause notice of the present Misc. application was duly served upon the respondents. In response the Ld. Advocate Mr. G.M. Tayade, appeared on behalf of Respondent no.1 (who is main the contesting party). Mr. N.G. Chakranarayan, Ld. Advocate for the Respondent no.3.

7) Mr. G.M. Tayade Ld. Advocate for the respondent no.1 has strongly resisted the present application on various grounds. It is submitted by Mr. Tayade for the respondent no.1 that, 'the application filed by the applicant are not legal and valid, same is after thought'. It is the main contention of respondent no.1 that, "the applicant was well aware about the order since the date of order and the order was already complied with and accordingly the dispute was amended. There is no plausible explanation offered in support of contentions. Thus, application needs to be dismissed.

8) Mr. N.G. Chakranarayan Ld. Advocate for the respondent no.3 supported the case of applicant and urged for allowing the application.

9) Heard Ld. Advocates for the respective parties.

10) Considering the pleadings of the respective parties, following points arise for my consideration.

POINT

FINDINGS

- 1) Whether the applicant has proved sufficient cause for condonation of 231 days caused in filing the revision application ?

Yes.

:

2) What order, what relief ? : As per final order.

REASONS

POINT NO. 1 :-

11) *I have already narrated the pleading of applicant, hence no need to repeat.*

12) *Admittedly, there is a delay of 231 days in presenting the revision. After perusal of the grounds contended by the applicant in the Misc. Application it evident that, the grounds raised are sufficient and bonafide. Ld. Advocate for the respondent no.1 fairly admitted the fact that, the Ld. Trial court prior to allowing the application for adding the applicant in the array of party opponent did not issued show cause notice upon him and thus the applicant was not aware about the proceeding. In such circumstances, the length of delay needs to be count from the date of knowledge of impugned order to the applicant which the applicant on oath has stated that 07.07.2025.*

13) *Admitted fact is that the present application is filed on 17.10.2025 and if one consider the length of delay then there is hardly 10 days which needs to be condoned in the interest of justice. If the delay is not condoned the applicant will be permanently precluded from raising his objections to the dispute on merits and same is allowed, no harm or prejudice will be caused to the respondents as the respondents have an opportunity to raised their defences fairly and squarely.*

14) *It is well settle law that, while dealing with the application for condonation of delay the court has to take the liberal approach and if bonafides*

are shown opportunity needs to be given to the party to contest the matter on merit. Keeping this settled law in mind, I am allowing the application filed by the applicants.

15) To support my view, I am guided by the judgment passed by Hon'ble Apex court in case of **Collector Land acquisition V/s. Mst. Katji & other** reported in **1987 S.C.R. (2) 387** wherein it is observed that, "if the conditional order is passed, no prejudice would be caused to the respondent as it is always desirable to decide the matter on merit. 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".

16) Considering all the above observation, I record my findings to the above mentioned points accordingly and following order is passed.

ORDER

- 1) The Misc. Application 73/2025 is allowed.
- 2) The concern clerk directed to register the Revision application forthwith.
- 3) As the respondent nos.1 and 3 appeared through Ld. Advocate Mr. G.M. Tayade and N.G. Chakranarayan, they have directed the waive the summons of Revision.
- 4) The applicant is directed to issue fresh summons upon the respondent nos.2 and 4 returnable on 06.07.2026.

5) *The Revision is kept for hearing on 06.07.2026.*

6) *No order as to cost.*

Place : Aurangabad.

(Smt. S. R. Pawar)

Member

Date :- 29th June, 2026

Maharashtra State Cooperative

Appellate Court Mumbai

Bench Aurangabad.

Dictated and pronounced in the open Court.

Order dictated on : 29.06.2026.

Order transcribed on : 29.06.2026.

Order ready on : 29.06.2026.