

IN THE COURT OF JUDGE, CO-OPERATIVE COURT, SATARA.

(Presided over by Smt. Swapnali Methaji Waghmare.)

M.A.NO.02/2023.

CNR - MHCO110004662023

Shri. Ajmuddin Taher Khaitarkhan

Age-68

R/O 341/A, Shantinagar, Kharade

Colony,Karad Tal-Karad

Dist-Satara.

V/s.

1. Hon'ble Dy. Registrar,

Co-op Societies, Karad

Tal-Karad Dist-Satara

2. Sahyadri Nagari Sahkari

Patsanstha Maryadit

Karad, 113, Ravivar Peth

Karad Tal-Karad Dist-Satara

3. Shri. Siraj Bapu Sayyad

At- Killemachhindragad, Tal-Walwa

Dist-Sangli

4. Shri. Munir Sardaralli Kazi

At-180, Ravivar Peth, Karad

Tal-Karad, Dist-Satara.

Order below Exh.1
(Passed on 18/07/2026)

The applicant has filed the present misc. application for restoration of the dispute bearing No.163/2018 dismissed on 28/04/2023.

2. The applicant stated in his application that, the non-applicant no. 02 is a Cooperative Society registered under MCS Act 1960. The non-applicant no. 03 is a borrower and the non-applicant no. 04 is surety for the loan taken from the non-applicant no. 02. The applicant is a member of the non-applicant no. 02 and never took loan from the non-applicant no. 02 and also not stood as a surety for the loan of Rs. 14,500/- given to the non-applicant no. 03. The maturity date of the alleged loan was may 11, 1997. The society not took any action for over 19 years. The chairman colluded to file a fraudulent recovery application using fabricated documents to illegal seize the applicant's ancestral property. The applicant is an elderly individual suffering from High Blood Pressure. Furthermore, medical examination revealed he has a hernia, making travel painful and physically impossible. He has been undergo the required surgery due to financial problems. After that, the Government imposed travel restrictions starting from March 2020 due to the Covid-19 pandemic restricted his ability to travel to the Court.

3. The applicant further stated that, his appointed advocate was also unable to attend the dates due engagement in other matters. Therefore, the case was dismissed in default. Thereafter, the applicant has applied for

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certified copy and filed restoration of the dispute. The applicant contends that he has not remained absent in dispute intentionally. The applicant contends that if the dispute is not restored, then he will suffer heavy irreparable loss. Therefore, the applicant has filed the instant application for restoration of suit/dispute.

4. The Non-applicants served with summons, but remained absent hence an application proceeded ex parte against them on dt. 07/03/2025.

5. Heard the Ld. Advocate for the applicant. Perused the contents made in the application and the certified copy of judgment in dispute No.163/2018 filed by applicant along with list Exh.3.

6. In the application it is the specific contention of applicant that, due to hernia, he was unable to travel. The applicant merely stated that, his non-appearance is clearly accidental and not deliberate. Due to that reason applicant failed to appear in the court. Due to which the dispute is dismissed in default. The applicant contends that he applied for certified copies and filed the restoration application.

7. The reasons mentioned by the applicant in the application on affidavit or on oath are seems to be reasonable and there appears unintentional on the part of applicant. An applicant has filed Medical reports. An applicant filed documentary evidence on the record in respect of reasons mentioned in the application. However, while considering the application for for restoration the principal of liberal construction needs to

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be adopted by the court as laid down in various judgments of the Hon'ble Supreme Court and Hon'ble High Court. Therefore, to advance the cause of justice and not the cause of technicalities the CC No. 163/2018 needs to be restored. Accordingly I proceed to pass the following order.

ORDER

1. The application at Exh.1 for restoration of dispute bearing No.163/2018 is hereby allowed subject to payment of cost of Rs.500/- (In words Rupees five hundred Only.)
2. The cost of Rs.500/- (In words Rupees Five Hundred Only.) be credited to government.

(Dictated and Pronounced In Open Court.)

sd/-

PLACE : SATARA.

(Smt. S.M.Waghmare)

JUDGE,

DATE : 18/07/2026.

CO-OPERATIVE COURT, SATARA.