Received on : 05.12.2016
Registered on : 08.12.2016
Decided on : 05.05.2022
Duration : 5Y.5M.-- D

In the Court of District Judge-2 PUNE.
(Presided over by K. P. Nandedkar)

Civil Misc. Application No. 1112/2016 Exh. No.
CNR-MHPU01-015746-2016

1.Padmashree Dr. Vitthalrao Vikhe Patil
Sahakari Sakhar Karkhana Ltd.
Ashoknagar, Post & Taluka-Kaij
District Beed (Maharashtra)

2.Smt. Rajanitai Ashokrao Patil
Age : 56 yrs, Occ: Socail service
R/at Shivneri, Taluka Kaij
District- Beed .. Applicants

V/s.

1.The Cosmos Co-operative Bank Ltd;
A society registered under the Multi-State
Co-operative Societies Act, 2002
having its registered office at 269/270
Shaniwar Peth, Pune- 411 030.

2.The Principal Secretary
Government of Maharashtra
Co-operation Department
Mantralaya, Mumbai- 400 032.

3.The Manager,
The Maharashtra State Co-operative
Bank Ltd.

Sir Vithaldas Thakersey Memorial
Building 9, Maharashtra Chamber of
Commerce Lane, Fort, Mumbai- 400 023.

4.The Manager,
The Mumbai District Central Co-operative
Bank Ltd.
Mumbai Bank Bhavan, Dr. D.N. Road
Fort, Mumbai – 400 001.

5.The Manager,
Rupee Co-operative Bank Ltd.
2062, Sadashiv Peth
Vijaynagar Colony, Pune- 411 030.

6.The Manager,
Bank of Maharashtra
1501, Shivajinagar, Pune- 411 005.

7.The Manager,
IDBI (Erstwhile United Western Bank)
172/4, Ravivar Peth, Shivaji Circle
Satara – 415 001. .. Respondents

Application for Condonation of delay.

Apperance:
1.Smt. Kinkar, Advocate for Applicants
2.Shri R. Panchpor, Advocate for respondents.

JUDGMENT

(Decided on 05th May 2022)

1. This is the application filed by applicant - Padmashree Dr. Vitthalrao Vikhe Patil, Sahakari Sakhar Karkhana

Ltd; Ashoknagar, Post & Taluka-Kaij, District Beed (Maharashtra), for condonation of delay caused in filing appeal challenging the Award passed by Arbitrator on 26.07.2003.

The facts which gave rise to this application are that :

2. It is contended that applicant No.1 is the Sugar Factory having its establishment at the address mentioned in the application. Applicant No.2 - Smt. Rajanitai Ashokrao Patil, is Chairman of the said the Sugar Factory. Respondent No.1 is Bank. Respondent No.2 is the Principal Secretary of Government of Maharashtra Co-operation Department, Mumbai and respondent Nos. 3 to 7 are the Banks.

3. It is contended that applicant No.1 was in need of financial assistance for establishing and running the Sugar Factory. In furtherance with common intention, to disburse the loan, respondent Nos. 1 and 3 to 7 decided to execute Agreement. It is further contended that Maharashtra State Co-operative Bank Ltd., The Mumbai District Central Co-operative Bank Ltd., Rupee Co-operative Bank Ltd., Bank of Maharashtra and IDBI Bank (Erstwhile United Western Bank), have financed applicant No.1. It was decided to form Consortium of these Banks and Maharashtra State Co-operative Bank Ltd; will be the Lead

Bank of said Consortium. Accordingly, Agreement was executed. Respondent No.1 subsequently joined the Consortium Agreement.

4. It is alleged that respondent No.1 insisted that the State of Maharashtra should give guarantee of repayment and thereafter only loan will be disbursed, accordingly, on 05.07.2011 State of Maharashtra issued the Notification that State of Maharashtra has undertaken to repay the loan advanced to respondent No.1 alongwith interest. The State of Maharashtra has also given guarantee to various sugar factories. Sundar Baug Co-operative Credit Society Ltd; and ors. have filed P.I.L. bearing No. 67/2007 in which on 14.01.2020 and 01.10.2014 the Hon'ble High Court Bombay passed order by which the Lead Bank i.e. Maharashtra State Co-operative Bank Ltd; was ordered to take action under the provisions of the Maharashtra Co-operative Societies Act (“ the MCS Act”) or under any Law against Sugar Factory and to dispose off the securities which were subject matter of the loan which was disbursed by various Banks.

5. It is contended that according to the order passed by the Hon'ble Bombay High Court, meeting was called on 22.01.2010 and it was decided to initiate the action against defaulter Sugar Factory, as per provisions of Securitisation and

Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (“the SARFAESI Act”) or under any Law for recovery of outstanding of the loan amount. Meetings of Consortium were held on 23.01.2010, 17.02.2011 and 30.08.2011 and it was unanimously resolved that necessary action for recovery of the loan to be initiated under the SARFAESI Act and or under any Law and the Consortium authorized the Lead Bank i.e. i.e. Maharashtra State Co-operative Bank Ltd; to initiate such action. In furtherance of said Resolution, Maharashtra State Co-operative Bank Ltd; issued notice under Section 32 of the SARFAESI Act and called upon Judgment Debtor to pay the amount. The said notice was issued by the Lead Bank as per Agreement and Resolution. Subsequently, Lead Bank issued notice as per the provisions of Section 13 (4) of the SARFAESI Act, which was published in newspaper. Accordingly, properties of applicant No.1 were attached and panchanama was carried out. The applicants were compelled to file Writ Petition bearing No. 5365/2015 before the Hon'ble High Court, Bombay, Aurangabad Bench, challenging the action of one of the members of Consortium i.e. Rupee Co-operative Bank Ltd. The Hon'ble Bombay High Court, Aurangabad Bench, was pleased to pass order directing the parties to maintain status-quo in relation to the property.

6. It is contended that the Lead Bank i.e. Maharashtra State Co-operative Bank Ltd; has initiated proceeding under Section 13(2) of the SARFAESI Act and in said proceeding name of respondent No.1 was also included. It is contended that respondent No.1 is one of the member of the Consortium Bank, who gave loan to the Sugar Factory. It is contended that respondent No.1 is included with Maharashtra State Co-operative Bank, Mumbai. It is alleged that in spite of this by suppressing the said fact, respondent No.1 has illegally and unauthorizedly obtained Award against the applicants.

7. It is contended that in fact the Arbitrator has observed that there is nothing on record to show that action initiated under the SARFAESI Act. These observations find place in paragraph No.17 of the Award. It is alleged that thus respondent No.1 has played fraud upon Arbitrator and respondent No.1 further want to continue to mislead the Court by suppressing all these facts. According to the applicants, respondent No.1 is aware of the meeting of Consortium Bank representatives taken in connection with the loan given to said Sugar Factory of applicant No.1. It is contended that respondent No.1 has not given independent loan and it has given loan as one of the members of Consortium bank.

8. It is contended that considering above facts and circumstances, it is crystal clear that respondent No.1 has misled the Arbitrator and obtained Award by concealing the material facts. It is pointed out that property of applicant No.1 is already attached under the SARFAESI Act and, therefore, in present proceeding, no action can be initiated, by giving go-bye to the Consortium Agreement. It is contended that in the meanwhile, respondent No.1 initiated execution proceeding of the Award passed by the Arbitrator and followed the matter aggressively. As a matter of fact, as per the order passed by the Hon'ble High Court, Bombay, when the Lead Bank is initiating the action for protecting the loan which is disbursed, there was no need to the file arbitration proceeding and to further execute the Award so passed.

9. It is contended that present application is filed for condonation of delay, which occurred in filing of present application. It is contended that the applicant was and is under impression that Lead Bank is taking action for protecting interest of Consortium members, in that event no proceeding can be initiated separately and independently and, therefore, on earlier occasion once the applicant has not filed the proceedings challenging the Award and the applicants have also not received duly signed copy of the Award, the respondent aggressively

argued the execution proceedings and placed reliance on the "Theory of Election" and argued that respondent No.1 has independent right to execute the Award and, therefore, the applicants are filing the present application for condoning the delay of 1183 days caused in filing the appeal challenging the Award passed by Arbitrator on 26.07.2013. It is contended that there is delay in filing appeal, there are sufficient grounds that all the Consortium members including respondent No.1 in the meetings of authorized Lead Bank to initiate the proceedings for the debt and accordingly, the Lead Bank has initiated proceedings as per the provisions of the SARFAESI Act and State of Maharashtra has given guarantee of repayment of debt of applicant No.1. It is contended that when interest of respondent No. 1 is being protected by the guarantee given by State of Maharashtra, the applicants are under bonafide belief that respondent No.1 will not initiate the proceeding for enforcement of the Award.

10. It is contended that execution proceeding was filed on 05.03.2014 and notices were issued on 28.04.2015. This itself will indicate that initially respondent No.1 was not prosecuting the execution proceeding, however, by taking the matter on board in September 2015 respondent No.1 started rigorous follow-up. In the execution proceeding, respondent No.1

filed application for attachment of the property and the applicants have filed objections and an application for modification of the order. The application for objection for executing the execution proceeding is pending for adjudication. As respondent No.1 is pressing execution proceeding and on the other side, the applicants are not receiving copy of duly signed award, which is illegal act and, therefore, without waiting for the duly signed copy of the Award, the present application is filed, even there is no delay. According to the applicants, in these circumstances, the applicants are constrained to file the present application for condoning the delay which curred in challenging the Arbitration proceeding.

11. It is contended that respondent No.1 has initiated Arbitration proceeding for recovery of the loan advanced, as a matter of fact, respondent No.1 ought not to have initiated proceeding against the applicants before the Arbitrator. Despite of having Consortium Agreement and Lead Bank was / is authorized to initiate proceeding against the applicants, there was no reason for respondent No.1 to initiate Arbitration proceeding. It is contended that said Arbitration proceeding was initiated and Award was passed by the Arbitrator on 26.07.2013. The applicants time and again requested the Arbitrator to issue duly signed copy of the Award, however, till October 2015,

applicant No.1 did not receive duly signed copy of the award. Applicant No.1 issued letter dated 20.10.2015 and asked for the documents which are in the custody of the Arbitrator. As a matter of fact, Office bearer of applicant No.1 has visited the office of respondent No.1 and requested to hand over duly signed copy of the Award, at that time, it was informed to the Office bearer that the Arbitrator personally is out of Pune i.e. at Nasik and when the Arbitrator will attend the Office at Pune, copy will be given. The applicants were eagerly waiting for duly signed copy of Award from Arbitrator, however the applicants have not received the same. According to the applicants, cause of action for filing application for challenging the Award will arise when duly signed copy of Award will be received as per Section 31(5) of the Arbitration Act.

12. It is contended that if the delay will be condoned and applicants will be allowed to challenge the Award, no prejudice will be caused to respondent No.1 as the interest of respondent No.1 is already secured on account of guarantee given by State of Maharashtra and proceedings under SARFESI Act are already initiated. According to the applicants they are having very good case on merit and various legal as well as factual aspects according to the applicants are ignored by the Arbitrator while passing the Award. It is contended that cause of action for challenging the Award arose on 26.07.2013 and

thereafter cause of action arose when applicants made demand of copies. With the help of those contentions, the applicants have prayed to allow the application.

13. Respondent No.1 – Cosmos Co-operative Bank ltd; has resisted the application by filing its reply at exh. 10 contending that all the allegations made in the application are denied. It is contended that applicant Nos. 1 and 2 are the members of respondent Bank, who availed and enjoyed various loans and facilities from respondent Bank against the security of the property. However, the applicants committed default in making repayment of those loans and facilities and, therefore, respondent Bank had filed Arbitration Petition No. 30 of 2010 against applicant Nos. 1 and 2 and other guarantors in order to recover the loans/facilities advanced by respondent Bank to them.

14. It is contended that present applicants after issuance of notice by the Arbitrator in the Arbitration proceedings in the manner provided under said Law appeared before Arbitrator through advocate, filed their say /written statement to the Arbitration petition, however, later on advocate appointed by the applicants, withdrew the *Vakalatnama* by filing 'no instruction' pursis and applicants remained present for further

proceedings but did not contest the proceedings by filing evidence in support to their case and thus, applicants failed to disprove the documents filed by the Bank, which were admittedly signed by the applicants by way of security to the loan raised by the applicants, in result considering the evidence adduced by the Bank before Arbitrator, the matter was heard and decided as per Section 84 of the Multi-State Co-operative Societies Act and the Award has been granted by the Arbitrator against the applicants holding all of them jointly and severally responsible and liable to the claim amount.

15. Contents of paragraph Nos. 1 to 4 of the application are admitted by respondent No.1, however, it is contended that Statements made in para No.5 are partly true. The fact of giving directions by the Hon'ble High Court to respective Banks / Financial Institutions, to take measures under respective applicable laws is admitted by respondent No.1. The fact of filing of Arbitration proceeding is also admitted. It is contended that respondent No.1 Bank and respondent Nos. 3 to 7 sanctioned and advanced loan facilities to applicant No.1 being the principal borrower in Consortium by executing Consortium Agreement, however, as the per rules of Consortium, only quantum of amount to be sanctioned and advanced by each Bank in Consortium is stated and the terms and conditions as to

repayment of those loans / facilities are governed by Sanction Letters issued by respective Banks and loan documents executed by borrower in favour of respective Bank. Thus, according to respondent No.1, Statements made in paragraph No.7 of the application are partly true. It is contended that the lead Bank was under obligation to initiate action under the SARFAESI Act, but at the same time as per the provisions of the Law, respondent No.1 Bank is at liberty to initiate recovery action against applicants as per the provisions of Special Act i.e. MSCS Act, which is binding and applicable to respondent No.1 Bank.

16. It is contended that respondent No.1 is governed by Multi-State Co-operative Societies Act, while respondent No.5 is governed by the provisions of the Maharashtra Co-operative Societies Act, who initiated action against applicants under Section 101 of the MCS Act and therefore, statements made in paragraph No.8 of the application are not relevant and applicable for decision of this application. It is contended that applicants have made false and baseless statements in paragraph Nos. 9 and 10 of the application, therefore, they are denied by respondent. However, it is admitted that upon securing Arbitral Award, respondent No.1 initiated recovery action against applicants by filing execution proceeding No. 405/2014, however, it is denied that the Hon'ble Bombay High Court has

directed the lead Bank to initiate recovery action. According to respondent No.1, the Hon'ble Bombay High Court has directed to initiate recovery action against applicants and Sugar Factory as per the provisions of the SARFAESI Act as well as any other Law applicable to the respondent Bank and other Banks from Consortium.

17. It is admitted that applicants had availed various loans and facilities from respondent No.3 Bank as well as other Banks from Consortium. It is also admitted that the applicants had made default in making the repayment of loan amount. It is contended that the applicants were having knowledge of Arbitration Proceeding and till filing this application, applicants never thought to file any proceeding for challenging the Award and said inaction on the part of the applicants, estopped them from filing present application for condonation of delay. It is contended that the applicants have raised false grounds in paragraph No. 12 of the application for condonation of delay. It is denied that applicants have not received the copy of Award as the Arbitrator has forwarded copy of Award to both respondent Banks as well as applicants. It is pointed out that notices of execution proceedings filed on 05.03.2014 were served on principal borrower and guarantors and they appeared before executing Court on 29.06.2015, but they never tried to get

certified copy from Arbitration Tribunal or from Executing Court. It is contended that the applicants have never asked for certified copy of Arbitration Award from Arbitrator. It is contended that the applicants have not made out the grounds for condonation of delay. It is contended that the amounts of loans which were sanctioned and advanced by respondent Banks to applicants is the public money and, therefore, respondent Bank or any Bank from Consortium is empowered to initiate recovery proceeding and applicants cannot prohibit them from such initiation of the proceedings.

18. It is contented that the present application for condoantion of delay cannot be treated as application under Section 5 of the Limitation Act. The present proceeding filed under Special Statute i.e. Arbitration and Conciliation Act, 1996 ("the Arbitration Act") and special provision as regards to the limitation pertaining to filing of proceeding under Section 34 of the Arbitration Act has been provided under Section 34(3) of the Arbitration Act and said provision is very much analogous to Section 5 of the Limitation Act. Section 34(3) of the Arbitration Act, application to present proceeding and discretion has been given to the Court to condone the delay for a sufficient cause but that discretion cannot be beyond period of 30 days which is made explicitly clear by use of words, " but not thereafter in the proviso thereto." The Hon'ble High Court in various matters has

given the verdict that applicant who intends to file application under Section 34 of the Arbitration Act is not entitled to claim and get condonation of delay for filing such proceedings beyond the period of 30 days.

19. It is contended that Section 43(1) of the Arbitration Act, though makes the provision, that Limitation Act shall apply to the Arbitrations as it applies to the proceedings in the Court, however, said provision of the Act is applicable to Arbitration proceedings only under the Act and it cannot have overriding effect to the bar created by proviso to Section 34(3) of the Arbitration Act, which precludes the Court from entertaining any application for setting aside the Arbitral Award made under the Act, if it is moved after three months plus further period of 30 days from the date on which the parties so applying had received the Arbitral Award. It is pointed out that this application filed after three years cannot be granted as there is barring provision to condone the delay more than 30 days. Applicants had an option to file proceeding under Section 34 of the Arbitration Act, within period of 90 days, if there was sufficient cause and they were having liberty to claim condonation of further 30 days, as such according to respondent No.1, they had an opportunity to file original proceeding under Section 34 of the Arbitration Act, on or before 26.10.2013

alongwith condonation application on or before 26.11.2013. However, present application is filed on 05.12.2016 that too after commencement of execution proceeding and service of notice upon applicants in execution proceeding. Hence, according to respondent delay cannot be condoned as there is no any bonafide and reasonable ground. It is alleged that applicants have filed this proceeding to get the shelter and to avoid contractual obligation and the effect arising in execution proceeding. With the help of those contentions, respondent has prayed to dismiss the application.

20. From the controversies raised by the applicants and respondents following points arise for my determination and I am recording my findings against those points for the reasons discussed below :

S. No.	POINTS	FINDINGS
1	Whether the applicants have made out bonafide and reasonable ground for condonation of delay caused for filing application under Section 34 of the Arbitration and Conciliation Act, 1996 for challenging the Award dated 26.07.2013 passed by the Arbitrator in the Arbitration Proceeding between the parties to this application ?	In the Negative
2	Are applicants entitled to the relief sought ?	In the Negative
3	What order ?	As per final order

REASONS

Reasons for finding against Point Nos. 1 and 2 :

21. I have heard arguments of applicant's advocate Smt. Kinkar and respondent's advocate Smt. Radhika Panchpor, at length. Applicant's advocate submitted that the applicants have not received duly signed copy of the disputed Award even though applicants had sent letter to Arbitrator for issuing such a copy. Respondent's advocate argued that the Award was passed long back on 26.07.2013 and after filing of execution proceeding by respondent Bank, applicants have appeared before executing Court but applicants have not taken any efforts to get certified copy of the Award. It is argued that limitation for filing proceeding under Section 34 of the Arbitration Act, is provided in said Section itself and according to respondent's advocate proviso to Section 34(3) of the Arbitration Act, provides that application under Section 34 of the Arbitration Act for setting aside the Award may not be made after three months have elapsed from the date on which the party making the application had received the Abitral Award, or if a request had been made under Section 33, from the date on which that request had been disposed off by the Arbitral Tribunal, provided that if the Court is satisfied that the applicant was prevented by sufficient cause from making application withins aid period of

three months, it may entertain the application within a further period of 30 days but not thereafter.

22. Respondent's advocate has placed reliance on the computerized copy of Judgment of Hon'ble Supreme Court in *Civil Application No. 11477/2014 in the case between Mahindra and Mahindra Financial Services Limited V/s. Maheshbhai Tinabhai Rathod and others*, in which it is observed that,

> *" In the instant case where limitation is prescribed, the extent to which it can be condoned is circumscribed and it has been held by this Court that Section 5 of the Limitation Act is not applicable to condone the delay beyond the period prescribed under Section 34(3) of the Arbitration Act, 1996, the learned Division Bench was not justified in condoning the delay in casual manner."*

Respondent's advocate has also cited case between *M/s. Ajeet Seeds Limited V/s. K. Gopala Krishnaiah reported in AIR 2014 SC 3057*, in which the Hon'ble Supreme Court has observed that,

> *"This Court then explained the nature of presumptions under Section 114 of the Evidence act and under Section 27 of the GC Act and pointed out how these two presumptions are to be employed while considering the questions of service of notice under Section 138 of the NI Act. The relevant paragraphs read as under :*

"13. According to Section 114 of the Act, read with illustration (f) thereunder, when it appears to the Court that the common course of business renders it probable that a thing would happen, the Court may draw presumption that the thing would have happened, unless there are circumstances in a particular case to show that the common course of business was not followed. Thus, Section 114 enables the Court to presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business in their relation to the facts of the particular case. Consequently, the court can presume that the common course of business has been followed in particular case. When applied to communications sent by post, Section 114 enables the Court to presume that in the common course of natural events, the communication would have been delivered at the address of the addressee. But the presumption that is raised under section 27 of the G.C. Act is a far strong presumption. Further, while section 114 of the Evidence Act refers to a general presumption, Section 27 refers to a specific presumption. For the sake of ready reference, Section 27 of the G.C. Act is extracted below ;

"27.Meaning of service by post- Where any Central Act or regulation made after the commencement of this Act authorizes or requires any document to be served by post, whether the expression 'serve' or either of the expressions 'give' or 'send' or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post".

14.Section 27 gives rise to a presumption that service of notice has been effected when it is sent to the correct address by registered post. In view of the said presumption, when stating that a notice has been sent by registered post to the address of the drawer, it is unnecessary to further aver in the complaint that in spite of the return of the notice unserved, it is seemed to have been served or that the addressee is deemed to have knowledge of the notice. Unless and until the contrary is proved by the addressee, service of notice is deemed to have been effected at the time at which the letter would have been delivered in the ordinary course of business. The Court has already held that when a notice is sent by registered post and is returned with a postal endorsement 'refused' or ' not available in the house' or ' house locked' or ' shop closed' or 'addressee not in station', due service has to be presumed. It is, therefore, manifest that in view of the presumption available under Section 27 of the Act, it is not necessary to aver in the complaint under Section 138 of the Act that service of notice was evaded by the accused or that the accused had a role to play in the return of the notice unserved."

Lastly respondent's advocate also placed reliance in the case between *Esteem Mercantile Private Limited V/s. K. H. Parekh and another, reported in 2002 (2) Mh.L.J. 216*, in which it is observed that,

"As far as the second objection of Mr. Narulla is concerned that what is sought to be amended is to add certain grounds, so as to give better particulars, and as such the same ought not to be barred under the proviso to Section 34(3) of the Act. As has been held by the Division Bench, in the aforesaid case, if the ground is already in

existence there is no need toadd such a ground and if the ground is not there then the additional ground cannot be added as the same would be hit by proviso to Sub-Section (3) of Section 34 of the Arbitration and Conciliation Act.

The last contention of Mr. Narulla is that the aforesaid Division Bench does not deal with Section 5 of the Limitation Act and, therefore, it cannot apply in the present case. It is true that the said judgment does not expressly deal with Section 5 of the Limitation Act, however, the said judgment makes it abundantly clear that the Courts discretion to condone the delay has been limited by the proviso to Sub-section (3) of Section 34 of the Arbitration and Conciliation Act, 1996 by using the words "but not thereafter" in the proviso thereto. On the contrary, Section 5 of the Limitation Act does not put any limitation on the Court's discretionary power with regard to the period of condonation of delay. Howsoever, under the proviso to Sub-section (3) of Section 34 of the Arbitration and conciliation Act, 1996 the period has been restricted as 30 days."

23. In the light of the observations from the cases cited supra, it becomes clear that the limitation for filing the appeal under section 34 of the Arbitration and Conciliation Act, 1996 is three months plus further 30 days as provided by Section 34(3) of the Arbitration Act, and its proviso. From the observations, of the Hon'ble Apex Court from the above cited cases, it becomes clear that this court cannot condone the delay caused for filing application under Section 34 of the Act beyond said period of three months plus 30 days. The applicants even though have

contended that they had requested the Arbitrator to provide them copy of the Award, as Section 34(3) provides that this Court has very limited power to condone the delay caused for filing application under Section 34 of the Act. Thus, I find that applicants have not made out reasonable ground and bonafide ground for condoning the delay caused for filing application under Section 34 of the Act to challenge the Award passed by the Arbitrator in Arbitration proceeding between the parties to this application. Hence, I find that applicants are not entitled to the relief sought in this application. Hence, I have recorded my findings against point Nos. 1 and 2 in Negative and proceed to pass the following order :

ORDER

Civil M.A. No. 1112/2016 stands dismissed.

(K. P. Nandedkar)
Date : 05.05.2022 District Judge-2, Pune.

CERTIFICATE

I affirm that the contents of this P.D.F. file judgment are same word for word as per original Judgment.

Name of steno : Smt. M. P. Rahurkar, Stenographer (Grade-I)

Name of the Court : Shri. K.P. Nandedkar, District Judge -2 & Additional Sessions Judge, Pune

Date of Order : 05.05.2022

Order signed by P.O. on : 23.05.2022

Order PDF & uploaded on : 23.05.2022