

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1824 OF 2015
(Arising out of SLP(C)NO. 9852/2013)

Harish Chandra Ramchandra
Pimpudkar (D) Thr.Lrs.

Appellant(s)

VERSUS

Bharati Sahakari Bank Ltd. & Ors.

Respondent(s)

O R D E R

Leave granted.

2. The appellants are aggrieved by an order dated 31.10.2012 passed by the High Court of Judicature at Bombay in W.P.No. 6233/2004. The writ petition was directed against two orders both dated 2.3.2000 passed in revision petitions by the Joint Registrar Cooperative Societies (appeals) Pune Division, Pune.

3. Learned counsel for the appellants submits that it is not very clear when the writ petition was filed challenging the orders dated 2.3.2000 but the writ petition was numbered sometime in 2004. It is clear, therefore, that the challenge in the High Court was made several years after the orders dated 2.3.2000 by the Joint Registrar Cooperative Societies (appeals) Pune Division, Pune.

4. It is also submitted that the matter was pending in

the High Court for quite some time for effecting service on the respondents. In the meanwhile, the father of the appellant passed away and the appellants were impleaded as respondents without notice.

5. Be that as it may, when learned counsel for the appellants appeared before the High Court time was sought by their advocate for filing a vakalatnama and filing a reply. Unfortunately, time was not granted for this purpose. It is stated that in the list of dates accompanying the special leave petition before us that on 31.10.2012 learned counsel for the appellants requested for time to receive instructions and to file a detailed affidavit but the matter was not adjourned and was taken up after lunch and disposed of by the impugned order.

6. By the impugned order, the matter has been remanded back for reconsideration by the Joint Registrar.

7. It is submitted by learned counsel for the respondents that the impugned order is an inconsequential order of remand and the appellants can raise all contentions after remand. As such, there is no serious prejudice caused to the appellants. It is not necessary for us to go into this issue at all.

8. in our opinion, it would have been more appropriate if the appellants were granted at least a short adjournment to enable their Advocate to file a vakalatnama and to enable the appellants to file a reply to the writ petition. Considering the fact that the matter had been pending for a

long time for numbering in the Bombay High Court, there would have been no serious prejudice caused if the matter were adjourned for a week or two to enable the appellants to file a reply.

9. In the circumstances, we set aside the impugned order passed by the High Court and remand the matter back to the High Court for fresh consideration on merits.

10. Learned counsel for the appellants states that he will file his reply in the High Court within four weeks from today.

11. We make it clear that we have not made any comments on any submissions made by learned counsel for the parties.

12. The Appeal is disposed of accordingly.

.....J.
(MADAN B. LOKUR)

.....J.
(UDAY UMESH LALIT)

New Delhi;
Date: 9.2.2015.

