

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2046 of 2019  
(@ Special Leave to Appeal (C) No(s). 570/2017)

SHRI LAXMAN PRAJAPATI WAGHAYE

Appellant(s)

VERSUS

RANI LAXMIOBAI KARMACHARI SAHAKARI  
PAT SANSTHA MARYADIT, LAKHNI & ORS.

Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

This appeal has been filed against the judgment dated 13.04.2015 passed by the High Court in W.P. No. 2291 of 2014, by which the writ petition filed by the respondent was allowed setting aside the order dated 11.04.2014 of the Minister, Co-operation.

The revision application being Revision Application No. 511/2012 was filed by the appellant before the Minister, Co-operation against the order dated 14.02.2011. There was a delay in filing the revision application. The revision ought to have been filed within two months i.e. by 14.04.2011, however, the delay of 1 year and 3 months was caused in preferring the revision application. The application for condonation of delay was filed by the applicant on the ground that he was ill and receiving medical treatment during the period 12.03.2011 to 22.09.2011 and thereafter the Doctor advised him for bed-

rest. The application for condonation of delay in filing revision application was allowed by the Minister, Co-operation on 11.04.2014 and the revision application was fixed for hearing for 06.05.2014.

Aggrieved by the said order, the respondent filed the writ petition before the High Court, which was allowed. The High Court took the view that the facts pleaded did not constitute sufficient cause which enable the Minister, Co-operation to condone the delay. On the aforesaid ground, the order of the Minister was set aside and the revision application stood dismissed.

Learned counsel for the appellant submits that the explanation was given for the condonation of delay. The appellant was ill and under medical treatment. He was later advised to file a suit which was dismissed as not maintainable on 03.05.2012. The revision application was filed on 03.08.2012.

Learned counsel for the respondent submits that no proper explanation was given for condonation of delay and when the appellant could have filed a suit, it was for him to file the revision application also.

We have considered the submissions of learned counsel for the parties and perused the record.

The Revisional Authority chose to condone the delay and fixed the revision application for hearing on merits. We are satisfied that although explanation given by the

appellant was not fully convincing but one of the reason given by the Minister, Co-operation for condoning the delay was that refusal to condone the delay shall deprive the remedy of getting the matter decided on merits and if the delay is condoned, the respondent shall get an opportunity to be heard. The Minister having exercised his discretion in condoning the delay, we are of the view that the Writ Court ought not to have interfered with the said discretion. The decision of the Minister to hear the revision application on merits has done substantial justice and setting aside of the order cannot be held a sound exercise of discretion under Article 226 of the Constitution.

We, thus, allow the appeal and set aside the order passed by the High Court and restore the revision application before the Minister. Let the revision application be heard expeditiously preferably within a period of six months from the date of the copy of the order is produced.

.....J.  
[ASHOK BHUSHAN]

.....J.  
[K.M. JOSEPH]

NEW DELHI;  
February 25, 2019.

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 570/2017

(Arising out of impugned final judgment and order dated 13-04-2015 in WP No. 2291/2014 passed by the High Court Of Judicature At Bombay At Nagpur)

SHRI LAXMAN PRAJAPATI WAGHAYE

Petitioner(s)

VERSUS

RANI LAXMIOBAI KARMACHARI SAHAKARI  
PAT SANSTHA MARYADIT, LAKHNI & ORS.

Respondent(s)

Date : 25-02-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ASHOK BHUSHAN  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Satyajit A. Desai, Adv.  
Ms. Anagha S. Desai, AOR  
Mr. Satyakam Sharma, Adv.

For Respondent(s) Mr. Shivaji M. Jadhav, Adv.  
Ms. Qurratulain, Adv.  
Mr. Nicholas Choudhury, Adv.  
Mr. Brij Kishor Sah, Adv.  
For M/S. S.M. Jadhav And Company

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

We have heard learned counsel for the parties.

The civil appeal is allowed in terms of the signed order.

(MEENAKSHI KOHLI)  
COURT MASTER

(RENU KAPOOR)  
COURT MASTER

[Signed order is placed on the file]