

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10572 OF 2012
IN SA(ST)/9364/2001

GOVIND RAMJI DADHEL
VERSUS
BALIRAM TULSHIRAM GAVATE AND ORS

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Advocate for Applicant : Shri N N Shinde

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 07, 2015

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PER COURT :-

1. The Additional Registrar had passed an order on 4.6.2003, refusing registration of the Second Appeal. Delay caused in filing this application is of 3337 days, which is practically ten years. All the parts (papers) have already been destroyed, except the Additional Registrar's Order, evaluation form and presentation form as per the noting of the Section Officer dated 4.9.2012. This application has been pending in this Court for three years, with no hearing sought.

2. Paragraph No.3 of the application indicates that the applicant did not provide instructions to the learned Advocate representing him. Shri Shinde, learned Advocate submits that presently, whereabouts of the applicant are not known, since he has left village Loha, Taluka Kandhar, District Nanded long ago and this fact is set out in paragraph No.3 of the application.

3. In paragraph Nos.5 and 7, it is further stated that the applicant is

said to have shifted to the State of Andhra Pradesh.

4. Shri Shinde, learned Advocate further submits that the issue involved in this matter is as regards encroachment.

5. Taking an over all view of the matter, as well as the reasons set out in the Civil Application and the issue involved, this application *sans* merits. I do not find that any convincing reason is set out by the applicant in support of the prayer for condonation of delay of about ten years.

6. The Civil Application is, therefore, rejected.

(RAVINDRA V. GHUGE, J.)

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