

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

937 CIVIL APPLICATION NO. 10061 OF 2006
IN SAST/12216/2006

MADHUKAR GOVIND BHANAGE & ORS
VERSUS
THE STATE OF MAH & ORS

Shri. Sanket Kulkarni, Advocate, holding for Shri. S.D. Kulkarni, Advocate, for applicant.

Shri. S.P. Sonpawale, Assistant Government Pleader, for respondent Nos.1 to 5.

CORAM: T.V. NALAWADE, J.

DATE : 29 JULY 2016

ORDER:

1) Heard learned counsel for the applicants and learned Assistant Government Pleader for respondent nos.1 to 5. Respondent Nos.6 & 8 are served. Respondent No.6 appears to be father of respondent Nos.7 to 9. The matter as against respondent Nos.7 & 9 is dismissed. In view of nature of relief claimed against these respondents and respondent Nos.1 to 5 this Court holds that there is no need of these respondents to be heard.

2) Delay of 32 days is caused in filing second appeal. The trial Court has given finding that the plaintiffs are owners of the property but declaration is not given as prayed by holding that the Court has no jurisdiction and the suit was not within limitation. In view of the contentions made in the application and the submissions made this Court holds that sufficient cause is shown. Delay is condoned. Notice in second appeal. Learned counsel waives notice for respondent Nos.1 to 5. Notice to other respondents made returnable on 2nd September 2016. Call record and proceeding.

Sd/-
(T.V. NALAWADE, J.)

rs1