

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.8572/2016

**986 CIVIL APPLICATION NO. 8572/2016
IN
FA/244/2004**

MANGALA SHAHAJI GADILKAR AND OTHERS
VERSUS
GANIBHAI D MULANI AND ANOTHER

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Advocate for Appellant :Mr.U S Malte

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CORAM : P.R. BORA, J.
Dated: August 19, 2016

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PER COURT :-

1. Heard Shri U.S.Malte, learned Counsel for the applicant.

2. The present application is filed seeking quashment of the order passed by the learned Registrar on 21st September, 2004, whereby the learned Registrar has dismissed the appeal as against respondent no.1 for failure on the part of the applicant / appellant to serve the said respondent. Present application is filed for quashment of the aforesaid order and consequently, to restore the appeal to its original file. Delay of 4231 days has occurred in filing the present application. The only reason stated in the application is that the applicants and the Counsel for the applicants were not aware of the order passed by the Registrar on 21st September, 2004 and that

AGP/-

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they came to know about the said order only when the matter was listed for final hearing on 18.4.2016. The reason so stated apparently cannot be accepted. It was the appellants / applicants who were under an obligation to see that the parties to the proceedings are served. It cannot be accepted that the applicants were unaware of the fact that the respondent no.1 has not been served. In absence of any cogent and sufficient reason for occurrence of delay in filing the present application, the application stands rejected.

(P.R. BORA, J.)

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