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

**CIVIL APPLICATION NO.12250 OF 2013
IN/WITH
C.R.A. (ST.) NO.7487 OF 2013**

Kashinath s/o Tejram Bagul
Since deceased, through L.Rs.
Pramila Kashinath Bagul & ors. ..APPLICANTS

VERSUS

The District Inspector of Land
Records, Dhule & ors. ..RESPONDENTS

Mr Nilesh N. Desale, Advocate for applicants;
Mrs V.A. Jadhav-Patil, AGP for respondents no.1 & 2

CORAM : N.W. SAMBRE, J.

DATE : 31st July, 2017

ORAL ORDER

Heard.

2. In Regular Civil Suit No.8 of 1995, on 28th June, 1996, a decree came to be passed in favour of the applicants by issuing mandatory injunction directing the respondents – judgment debtors to measure the land. Pursuant to the decree, execution came to be filed being Regular Darkhast No.5 of 2003, which was dismissed on 8th October, 2009 by order of Joint Civil Judge Senior Division, Dhule, declaring that the decree is not executable as judgment debtors have raised an objection under Section 47 of the Code of Civil Procedure.

(2)

3. This revision questioning the aforesaid order is delayed by about 1156 days i.e. about more than three years.

4. Perused the application for condonation of delay. I hardly see any convincing or bona fide reason prompting this Court to exercise discretion in favour of the applicants so as to order condonation of delay of about three years.

5. Apart from above, even on merits also, the fact remains that the predecessor-in-title of the applicants having transferred entire property, the applicants have no locus whatsoever to ask for measurement of the suit property.

6. In view thereof, I hardly notice any failure to exercise jurisdiction in the matter. Civil Revision Application as such fails and stands rejected.

(N.W. SAMBRE, J.)

amj