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

**CIVIL APPLICATION NO. 10380 OF 2009
IN
CIVIL APPLICATION NO. 783 OF 2005
IN
CIVIL APPLICATION NO. 784 OF 2005
IN
CIVIL REVISION APPLICATION NO. 529 OF 1997**

Shriram Builders & Developers
Galli No. 4, Dhule,
Dist. Dhule & ors.

..APPLICANTS

VERSUS

Vasant s/o Bhagwan Shinde,
since deceased, thr. L.Rs.
Jagdish Vasant Shinde,
Age: 35 years, Occu:
R/o near New Datta Mandir,
Ahilyabai Vihir Road,
Nandurbar & ors.

..RESPONDENTS

Mr S. P. Shah, Advocate for applicants

CORAM : N.W. SAMBRE, J.

DATE : 19th July, 2017

ORAL ORDER

It reflects from the Farad sheet that on 18th June, 2007, this Court had passed conditional order that the applicants shall take steps as against respondent Nos. 3, 7 and 11, who were reported to be dead and granted four weeks time, failing which the civil revision application shall stand dismissed without further reference to the Court.

(2)

2. The Registry then gave effect to said conditional order and noted that the civil revision application stands dismissed against respondent Nos. 1, 3, 7 and 11, who were reported to be dead.

3. The Registrar (Judl.), as a consequence thereof, on 15th January, 2009, noted that civil revision application is abated against respondent Nos. 1, 3, 7 and 11.

4. On 7th May, 2009, after adjourning the matter, this Court on 17th August, 2009, at the request of the applicants, by way of last chance, granted two weeks time to applicants for demonstrating as to how civil revision application does not abate as a whole.

5. Thereafter, matter was adjourned time and again before the Court and on 1st September, 2009, again time was granted to the applicants for bringing legal representatives of deceased respondent Nos.1, 3 7 and 11 on record, and conditional order was passed that if the steps are not taken, the civil revision application and civil applications shall stand dismissed.

6. Thereafter, matter was again adjourned for the same cause and on 20th December, 2010, again time was granted to the learned Counsel for applicants for furnishing full addresses of the unserved respondents.

7. All these orders were passed on civil revision application. Civil application No.10380 of 2009 was filed by the applicants seeking condonation of delay of 788 days in filing application for restoration of Civil Application No.783 of 2005.

(3)

8. On the said application, this Court ordered notice on 18th October, 2010 and on 20th December, 2010, it was noted that the notice of respondent No. 1A and 1B returned unserved. Again time of three weeks was granted to the applicants for furnishing correct addresses of the unserved respondents.

9. On 29th March, 2010, a conditional order was passed which was extended on 11th April, 2011 by one more week.

10. Entire orders depict that the applicants have failed to furnish correct addresses of respondent Nos. 1A and 1B, for which civil application No.10380 of 2009 remained pending since 20th December, 2010 and adjourned for last seven years without any further steps.

11. Similar appears to be the conduct of the applicants in civil revision application No.529 of 1997, as reflected herein above.

12. The issue involved in the civil revision application is in relation to sale of the suit property i.e. agricultural land.

13. Mr Shah, learned Counsel appearing for applicants sought extension by way of last chance, however, in view of the observations made herein above and particularly in view of the conduct of the applicants, as is recorded herein above of about last more than eight years and present proceedings since already stood abated, in my opinion, the said request is liable to be rejected.

(4)

13. In view of above, civil application and civil revision application are rejected.

(N.W. SAMBRE, J.)

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