

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

6 CIVIL APPLICATION NO. 2648 OF 2003
IN LPA/20/1996 WITH CA/2649/2003 IN LPA/20/1996

GOVIND SAMBHU PATIL
VERSUS
GANGUBAI BATESING NAIK SINCE DECEASED THROUGH L RS

...
AGP for Respondents 2 to 5 : Mr. R.V. Dasalkar
Advocate for Respondents R/1a(i) To R/1A(vi), 1B(iii) to 1B(vi),
1C(i) to 1C(vii), 1D (i) to 1D(vi), 1E and 1F. : Mr. J.R. Shah
...

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

DATED : February 12, 2018.

ORDER :

1. Nobody is present for applicant. Learned counsel Shri. Shah submitted that Civil Application No. 2648/2003 itself is misconceived as in the past the registration to LPA was refused and the said proceeding was bearing No. 129/1992. He submitted that original respondent No. 1 Smt. Gangubai Naik, who was main contesting party in the proceeding was dead and in those circumstances, the registration was refused and so, the application to bring the legal heirs of Govind Patil, the petitioner is not tenable. He submitted that unless and until the order of Registrar is set aside and the matter is restored, such application cannot be considered.

2. This Court had advised the present applicant to file appropriate proceeding by order dated 23.4.2003 and then subsequent Civil Application No. 2649/2003 came to be filed. In this application, the prayer is made for setting aside the order of Registrar and to restore the matter. In the same application, prayer is made for permission to bring the legal representatives of Gangubai on record and there is prayer of condonation of delay of 2946 days. In Civil Application No. 2648/2003 also there is delay of 2946 days as per the contentions of the applicant. As nobody is present for the applicant and there are aforesaid circumstances, both the proceedings are dismissed for default.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

ssc/