

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

933 CIVIL APPLICATION NO. 11354 OF 2018
IN RC/1359/2015

SHRIPATI ANNA KARADE LRS MANDABAI AND OTHERS
VERSUS
BHAGOJI ANNA KARADE LRS PADMINBAI AND OTHERS

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Advocate for Applicants : Mr. Shambhuraje V. Deshmukh

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CORAM : V.L. ACHLIYA, J.

DATED : 07th SEPTEMBER, 2018

PER COURT:-

1. The applicants-appellants have taken out this application for setting aside the order passed by the Registrar (Judicial) dated 14.10.2015.
2. Heard the learned counsel for the applicants and perused the order dated 14.10.2015.
3. In brief, it is the contention of the learned counsel for the applicants that the office objections could not be removed as the necessary documents required to be filed could not be secured by the appellants. It is submitted that the appellant no.1a is the old lady and suffering from the various ailments and therefore could not take immediate steps to apply for setting aside the order dated 14.10.2015.

4. On due consideration of the submissions advanced in the light of the order dated 14.10.2015. I am of the view that no case is made out to entertain the application. The Second Appeal came to be filed in the year 2015 as against the concurrent decisions rendered by the Courts below against the appellants-plaintiffs. The order dated 14.10.2015 passed by the Registrar (Judicial) reflects that after giving four chances to remove the office objections, the steps were not taken, which leads to passing of the order. It is pertinent to note that the appeal was dismissed on 14.10.2015 and the present application is filed on 02.08.2018 i.e. after a period of about three years. In the mean time, the record of the Second Appeal filed is also destroyed as per procedure as to destruction of record. There is no satisfactory explanation given as to delay in filing the application at more than 2 ½ years after the decision. The CT Scan report is of the year 2018. The appellant nos. 1b and 1c are the major sons of the appellant no.1a. It is therefore difficult to accept that due to ill health of the appellant no.1a, the necessary steps could not be taken within the time. I am, therefore, not inclined to entertain the application.

5. The application is rejected.

(V.L. ACHLIYA)
JUDGE

SPR