

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 CIVIL APPLICATION 9154 OF 2010
IN
WRIT PETITION NO.211 OF 2006
WITH
WRIT PETITION NO.211 OF 2006

SHAHAJI S/O DADARAO THORAT
VERSUS
DEORAO S/O BAJIRAO THORAT DECEASED THROUGH LRS.
JJABAI W/O DEORAO THORAT AND OTHERS

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Advocate for the Applicant in CA/9154/10 : Mrs. M. A. Kulkarni

Advocate for Respondent Nos. 1a to 1e in CA/9154/2010 and the
Petitioners in WP/211/2006 : Ms. M. S. Mhase

Advocate for Respondent No.2 in CA/9154/2010 and for Respondent
No.3 in WP/211/2006 : Mr. V. V. Ingole

Advocate for Respondent No. 3 in CA/9154/2010 and for Respondent
Nos. 1 and 2 in WP/211/2006 : Mr. V. D. Salunke
h/f Mr. Prashant Deshmukh

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CORAM : V. K. JADHAV, J.
DATED : 06th November, 2019

PER COURT:-

1. Heard learned counsel for the applicant in Civil Application No. 9154 of 2010 and the learned counsel appearing for the respective respondents.

2. The Civil Application is filed by the real son of respondent no.4 in the Writ Petition for impleading him as party respondent in the petition. Learned counsel for the applicant, on instructions, submits

that respondent no. 4 - Dadarao Pandurang Thorat is missing and his whereabouts are not known for more than 10 years. However, the applicant though being the son of respondent no. 4 – Dadarao has not initiated any proceedings for declaration about civil death of respondent no.4 nor annexed any document to this application indicating that the applicant son has taken efforts to lodge a missing complaint in the concerned police station.

3. Learned counsel for the petitioner has pointed out that by order dated 22.10.2010, this Court has allowed the service of notice on respondent no. 4 by paper publication and accordingly, paper publication was made on 05.11.2011. Thus, there is proper service and on the basis of such vague application, the applicant i.e. the son of respondent no. 4 cannot be taken on record to substitute respondent no.4.

4. In view of the above submissions and since no documents are annexed to this application, I am not inclined to entertain this application. Thus, the Civil Application is hereby rejected.

5. Place the Writ Petition for final hearing on 14.11.2019.

(V. K. JADHAV, J.)