

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

920 CIVIL APPLICATION NO.10181 OF 2017
IN LPA/135/2007 WITH CA/7191/2007 IN LPA/135/2007 WITH
CA/2756/2014 IN LPA/135/2007

MOHAN KISHAN GAWALI SINCE DIED THROUGH HIS L.RS.
SMT.KAMALBAI MOHANLAL AND OTHER

VERSUS

RADHU GOKUL GAWALI SINCE DIED THROUGH HIS L.RS.
KRISHNABAI RADHU GAWALI AND OTHER

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Advocate for Applicants : Mr. S.V.Natu
AGP for Respondents 1B to 1F : Mr. P.R.Katneshwarkar

CORAM : T.V.NALWADE

AND

SUNIL K.KOTWAL, JJ.

DATE : JANUARY 22, 2019

O R D E R :

Both the counsel are present.

2. Seen the order made by this Court on
5.12.2018.

3. The legal representatives of respondents 1-G,
1-H, 1-I, 2-A to 2-C, 3-B to 3-D and 4-A to 4-C are not
on record and the delay of 705 days was caused to

bring them on record. Application to bring them on record was allowed, subject to deposit of costs of Rs.10,000/- before the next date and next date was 22.1.2019.

4. Admittedly, the cost amount is not deposited and so application itself stands dismissed automatically.

5. The Letters Patent Appeal is filed to challenge the judgment and order of learned Single Judge, by which learned Single Judge has set aside the decision of Tenancy Authority. The Tenancy Authority had given the relief of possession under the provisions of the Hyderabad Tenancy Act and the said decision was challenged by the original respondents, the owners of the property in the Writ Petition.

6. As relief of possession is involved, the proceeding ought to have been filed against all the persons who are entitled to keep the possession. As there is joinder of cause of action, the appeal proceedings in the present form cannot go on.

7. So, the application is disposed of as dismissed and similarly appeal is also disposed of as dismissed.

8. Pending Civil Application, if any, stands disposed of.

[SUNIL K.KOTWAL, J.] [T.V.NALAWADE, J.]

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