

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.10761 OF 2019 IN
WRIT PETITION NO.6320 OF 2004

Anilkumar J. Patel, since deceased,
through his legal heirs:
Mrs.Geeta Ben Anilkumar Patel
and others

Applicants

Versus

The Commissioner,
Municipal Corporation of Jalgaon.

Respondent

Mr.S.P.Brahme, advocate for the applicants.
Mr.P.R.Patil, advocate for the Respondent.

**CORAM : PRASANNA B. VARALE &
AVINASH G. GHAROTE, JJ.**

DATE : 05th September, 2019

PER COURT:

1 Heard Mr.Brahme, learned Counsel for the applicants,
extensively. The learned Counsel made an attempt to submit
before this Court that as the applicants were unaware of the
proceedings, they could not take necessary steps within a
reasonable time and suffered dismissal of the petition.

2 Considering the submissions of Mr.Brahme and also
considering the grounds raised in the application, on the backdrop

of the facts of the matter, we are not inclined to allow the application. The stand taken by these applicants that they were not aware of the proceedings for considerable length of time, cannot be accepted on the face of the record, which shows that these applicants were brought on record way back in the year 2015 and more precisely, by way of an order of amendment dated 09.10.2015. It is also not in dispute that these four applicants were the legal heirs representing the original petitioner Mr.Anilkumar Patel and even assuming that one or two legal heirs were suffering from an ailment or disability, nothing prevented the other applicants to take appropriate steps, including establishing contact with their Counsel so as to prosecute the matter timely. In the order of this Court, dated 07.12.2017, to which one of us **(Prasanna B. Varale, J.)** was a party, it is observed that an interim order was passed in favour of the petitioner, same was enjoyed by the petitioners for considerable length of period without compliance of condition imposed and though the petition was adjourned from time to time and though communications were forwarded to the petitioners, the petitioners failed to show any response either to the Counsel or to this Court. As such, we see absolutely no reason to allow the application.

3 The application, thus, being devoid of merits, deserves to be rejected and the same is accordingly rejected.

AVINASH G. GHAROTE
JUDGE

PRASANNA B. VARALE
JUDGE

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