

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 1979 OF 2018

Rajendra Mallu Jilkar

...Petitioner

Versus

The State of Maharashtra

...Respondent

Mr. Piyush Navinchandra Shah for the Petitioner

Mr. Manish Upadhye, A.G.P for the Respondent-State

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
MONDAY. 4Th MARCH 2019**

P.C. :

1 We have heard learned counsel for the petitioner and learned A.G.P.

2 Petitioner states that a Settlement by deceased-father in favour of petitioner and his sister was tendered for registration in 1963 and necessary proof thereof is available. The document was also registered and its details are incorporated in Index-2 Register.

3 Petitioner also states that they have leased out property way back in 1963 and the lessees are paying rent to them. Necessary entries in this respect are available in Municipal records.

4 Our attention is also invited to proceedings of this Court in Miscellaneous Trust Petition No. 22 of 1963. Petitioners state that original certified copy of that order is available with them.

5 Learned A.G.P, upon instructions, states that as the Deed of Settlement, which is claimed to be submitted for registration way back in 1963 could not be traced out by the office of respondent, the only alternative is to reconstruct the record.

6 According to him, if all above documents are furnished to the Office of Joint District Registrar, that Office would verify the position and initiate proceedings for reconstructing the lost document, if any.

7 In view of the document which is filed as Exhibit `A' with this petition, it appears that certified copy is issued by this Court sometime in April 2017.

8 We are, therefore, willing to grant petitioner leave to submit all relevant documents to respondent. If such documents are supplied to that office within three weeks from today with request to reconstruct, that Office shall proceed further in the matter in accordance with law and attempt to complete formalities within further period of four months.

9 With these directions and keeping all contentions open, we dispose of petition.

REVATI MOHITE DERE, J.

B. P. DHARMADHIKARI, J.