

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

**926 CIVIL APPLICATION NO. 11583 OF 2010
IN FAST/15424/2010
WITH CA/11584/2010 IN FAST/15424/2010**

**THE EXE ENGINEER, NMC DIVISION
VERSUS
THE STATE OF MAH AND ANR**

...
Advocate for Applicant : Mr. Vilas R. Sonwalkar
AGP for respondent-State : Mr. S.N. Morampalle
...

WITH CA/11589/2010 IN FAST/15431/2010
WITH CA/11590/2010 IN FAST/15431/2010

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CORAM : K.K. SONAWANE, J.

DATED : 27th FEBRUARY, 2020.

ORDER :-

1. Heard learned counsel for the applicant-Acquiring Body. He seeks time to take steps to bring on record the L.Rs. of deceased respondent No. 2.

2. It is to be noted that the matters are pending since year 2010 for compliance of procedural formalities to secure the presence of respondent/s. For the first time, the matter came to be listed before this Court in the month of November, 2017, thereafter, notices were issued to respondents. The applicant did not take care since 2010 to get matters circulated for issuance of notice to respondents. Even after issuance of notice to respondent No. 2 in respective matters, it returned unserved with remark that they are no more. In the month of December, 2017, the applicant has filed service affidavit contending that addressees are no more, therefore, envelops were returned back to the applicant by postal department. Despite the knowledge since December, 2017 about death of respondent No. 2 in both the matters. The applicant did not take any steps to bring L.Rs. of deceased respondents on record.

3. As observed above, the matters are pending since year 2010. The applicant did not pursue the matter with due diligence and kept pending for colossal period of 10 years for securing presence of respondent/s. In such circumstances, in view of lackadaisical attitude on the part of applicant, there is no property to keep the present applications alive on record awaiting prompt persuasion from the applicant-Acquiring Body. Therefore, present applications deserve to be dismissed. Accordingly, applications seeking leave to file first appeals stand dismissed. No order as to costs.

4. In view of aforesaid, nothing further survive for consideration in pending civil applications and the same stand disposed of accordingly.

[K. K. SONAWANE]
JUDGE

MTK