

Digitally
signed by
ASHVINI
BAPPASAHEB
KAKDE
Date:
2023.08.01
10:56:20
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12107 OF 2012

Shri. Dattatray Chiman Pawar (Since deceased)
Thr. Legal Heirs Laxmi Dattatray Pawar & Ors. ... Petitioners
V/s.
The Taluka Inspector Land Records,
Alibag & Ors. ... Respondents

Ms. Latika Kabad i/b. Mr. Rohit Joshi for Petitioners.
Mr. Nikhil Hire i/b Adv. Kuldeep Patil for Respondent Nos.4 to 7.
Ms. Anjali S. Shinde for Respondent Nos 8 & 9.
Mr. A. I. Patel Addl. G.P. a/w. K.S. Thorat AGP for Respondent-State.

**CORAM : K. R. SHRIRAM &
FIRDOSH P. POONIWALLA, JJ.
DATE : 27th JULY 2023**

P. C.:-

1. On 22nd June 2023 the following order was passed:-

“1. Mr. Patel states that pursuant to the order passed by this Court on 8th June 2023, he gave notice to Petitioners. Ms. Kabad instructed by Mr. Joshi states that Mr. Joshi has been recently approached by Petitioners following the notice received and Mr. Joshi will be filing Vakalatnama within two weeks. Statement accepted as an undertaking to this Court.

2. The records and proceedings, we have been informed, are not traceable. Mr. Joshi to reconstruct the records and proceedings and also to file copies of orders before the next date.

3. Mr. Patel states that he will hand over a copy of the Petition, Reply and Rejoinder, if any, to Petitioners' advocate so that reconstruction of the records and proceedings would be easier.

4. Stand over to 27th July 2023.”

2. Ms. Kabad instructed by Mr. Joshi requests for some more time to file Vakalatnama. Purely by way of indulgence, we would give time till 5th August 2023 for filing Vakalatnama. Mr. Patel stated that he had called Petitioner's Advocate to come and collect the Petition, Reply and Rejoinder etc. as recorded in Paragraph 3 as quoted above but nobody has come to collect. Subsequently, Mr. Patel handed over a copy of Petition, Reply and Rejoinder to Ms. Kabad, so that Petitioners may reconstruct the file and also serve a copy on Respondent Nos. 8 to 9.

3. If Vakalatnama is not filed on or before 5th August 2023, the Petition will stand dismissed without further reference to this Court. If by 11th August 2023 records and proceedings are not reconstructed or Respondent Nos.8 and 9 are served and service affidavit filed even then Petition will stand dismissed without further reference to this Court.

4. If Petition is not so dismissed then Petition be listed on 17th August 2023.

(FIRDOSH P. POONIWALLA, J.)

(K. R. SHRIRAM, J.)