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

916 CRIMINAL WRIT PETITION NO.176 OF 2024

1. Ram Digambarrao Chidrewar @ Ram Namdev Mukkawar
...**APPLICANT**

VERSUS

1. Municipal Council, Udgir ...**RESPONDENTS**
Tq. Udgir, Dist. Latur
Through its Officer
2. Vishwambhar Govind Chidrewar

Mr. P. S. Shendurnikar, Advocate for the petitioner

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 25th JANUARY, 2024

P. C.

1. Petitioner is aggrieved by the order passed by the learned Additional Sessions Judge, Udgir in Criminal Revision No. 3/2022 thereby partly allowing the revision.

2. Petitioner filed objection in the proceeding filed by the second respondent under Section 13(3) of the Birth and Death Registration Act contending that the said proceeding is

not maintainable as it is filed after delay of 45 years. Trial court by order dated 07-01-2022 directed petitioner to bring wife of Govind Laxman @ Baburao namely Prabhawati for verification and to file her evidence. Petitioner challenged the said order by filing Criminal Revision No.3/2022. Revisional Court partly allowed the revision and set aside the direction issued by the trial court to bring wife of Govind Laxman @ Baburao for verification and issued direction that “instead that now the revision petitioner is permitted to adduce evidence in pursuance of objection petition ‘Exh.17’ filed before the learned trial court”.

3. It is the grievance of the petitioner that proceeding before the trial court is not maintainable as there inordinate delay in filing the same, which is not considered by the trial court, as well as by the revisional court.

4. Petitioner cannot expect dismissal of proceeding filed by second respondent at preliminary stage on the basis of his objection as to limitation. Objection raised by petitioner as to

(3)

916criwp176.24

limitation and maintainability of the proceeding will be considered by the trial court at the time of final decision of the proceeding. Since the trial court is seized with the matter, this court is not inclined to enter into the merits of the matter.

5. Criminal Writ Petition is therefore, disposed off with above observations.

[NITIN B. SURYAWANSHI, J.]

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