

(1)

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

WRIT PETITION NO.66 OF 2012

Ganpat s/o Pandharinath Kankate
and ors.

..PETITIONERS

VERSUS

Kalanath Bhikaji Kankate
(Since deceased, through L.Rs.)
and ors.

..RESPONDENTS

Mr Ajinkya Deshmukh, Advocate holding for Mr A.V. Hon, Advocate for
petitioners;
Mr S.S. Chapalgaonkar, Advocate for respondents no.1-B to 1-D

CORAM : NITIN W. SAMBRE, J.

DATE : 9th November, 2017

ORAL ORDER:

In view of objection raised by Mr Chapalgaonkar, learned Counsel appearing on behalf of respondents no.1-B to 1-D, it could be borne out from the record that against order impugned civil revision application would lie.

2. In the aforesaid backdrop, a motion is made by learned Counsel for petitioners for conversion of writ petition into civil revision application. Since the petition was filed within limitation, in my opinion, prayer for conversion needs to be granted and is accordingly granted.

(2)

3. Petitioners shall carry out appropriate amendment within a period of two weeks from today, failing which the proceedings shall stand dismissed without further reference to the Court.

4. Petitioners shall also place on record status of appeal pending before District Judge-2, Kopargaon.

5. In the meantime, petitioners shall also take steps for effecting service on respondent no.2, for which notice is made returnable on 28th November, 2017. In addition to Court process, petitioners are at liberty to serve said respondent by Registered/Speed Post A.D., as also by taking Hamdast.

6. It is made clear that it would be responsibility of the petitioners to complete service as the matter is pending since 2012. If service as aforesaid is not completed on respondent no.2, petition shall stand dismissed without further reference to the Court.

7. By the next date, petitioners shall also take steps for bringing legal representatives of deceased respondent no.1 on record.

(NITIN W. SAMBRE, J.)

amj