

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

959 CIVIL APPLICATION NO.525 OF 2023
IN PIL/79/2021 WITH CA/524/2023 IN PIL/79/2021

AJINATH MARUTI POLE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

...
Advocate for Applicants : Mr. S.P. Salgar h/f Mr. N.V. Gaware
AGP for Respondents 1 to 5: Mr. S.G. Karlekar
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 13th JANUARY, 2023.**

PER COURT :-

1. The civil application No. 525 of 2023 is filed for recalling of the order dated 4.3.2022 by which the P.I.L. was dismissed to the extent of the unserved respondent, on account of default. This application is filed within time.
2. The respondents opposed the application.
3. For the reasons set out, this application is allowed on the condition that the steps would be initiated to serve the unserved respondent within 4 weeks.
4. By civil application No. 524 of 2023, the applicants pray for leave to bring the legal heirs on record. On account of the deceased

respondent, service could not be achieved and hence, the P.I.L. was dismissed to the extent of the unserved respondent.

5. We find that the civil application for bringing legal heirs on record suffers a huge delay.

6. Issue notice to the respondents, returnable on 17.2.2023.

7. The applicants, considering the large number of non applicants, shall serve the non applicants through substituted service, by publishing the notice at their cost in Marathi Daily Punyanagari, Aurangabad edition and a largely circulated newspaper from Nashik, at least 10 days prior to the returnable date in the matter.

8. The learned A.G.P. waives service of notice on behalf of respondent Nos. 1 to 5.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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