



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 3115 OF 2024**

SWABHIMANI MILK AND TRADERS PUNE THROUGH ITS
PROPRIETOR HEMANTKUMAR DHANPAL SURYAWANSHI AND
OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

**WITH
CIVIL APPLICATION NO. 3439 OF 2024
IN WP/3115/2024**

RAJANI MAHILA VIVIDH KARYAKARNI SANSTHA THROUGH
ITS PROPRIETOR RAHUL POPATLAL OSTWAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

...
Mr. Dhananjay A. Mane, Advocate for the Petitioners.
Dr. Kalpalata B. Patil Bharaswadkar, AGP for Respondents-State.
Mr. A. G. Talhar, Advocate for Respondent No.24.

...
**WITH
CIVIL APPLICATION NO. 3440 OF 2024
IN WP/3115/2024**

SAIRAJ GAJANAN KADAM
VERSUS
SWABHIMANI MILK AND TRADERS PUNE THROUGH ITS
PROPRIETOR HEMANTKUMAR DHANPAL SURYAWANSHI AND
OTHERS

...
Mr. Girish K. Naik Thigle, Advocate for Applicant.
Dr. Kalpalata B. Patil Bharaswadkar, AGP for Respondents-State.
Mr. D. A. Mane, Advocate for Respondents/Org. Petitioners.

...
**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.
DATED : 03rd APRIL, 2024.**

P.C.

1. Though service affidavit is filed, there appears to be difference in the E-mail address and, therefore, we will not accept

the service affidavit as a good service on respondent no.25. The petitioners are at liberty to serve respondent no.25 with other permissible mode and if the service is effected, then file fresh service affidavit.

2. As regards the Civil Application No.3440/2024 we have heard Mr. Thigle, learned Advocate for the applicant. In the said application the applicant prays for taking action in terms of Section 340 of the Code of Criminal Procedure. According to the said applicant, the petitioners have fabricated his signature.

3. It appears that, the alleged fabrication was prior to the filing of the petition and for that purpose a complaint has already been filed by the petitioners to the police authorities. The petitioners might be having an independent right for their grievance and, therefore, said application cannot be entertained. It deserves to be dismissed at the threshold. Accordingly, it is dismissed.

4. As regards the Civil Application No.3439/2024 filed by the applicant/petitioner no.6, issue notice to the respondents. The learned A.G.P. waives notice for all the respondents.

5. In respect of filing of the service affidavit and in respect of Civil Application No.3439/2024 place the matters for further consideration on 02.05.2024.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE