

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

WRIT PETITION NO. 9472 OF 2024

Ramesh Bapurao Padamwar And Anr	...Petitioners
Versus	
The State Of Maharashtra And Ors	...Respondents

....

Adv. D. B Sawant, a/w Adv. Vinayak Salokhe, Sampada Khanolkar, Ramesh Lad, Megha Jain, for the Petitioner.

Ms. V. S. Nimbalkar, AGP for the State-Respondent.

Adv. Hiren Kamod, i/by Adv. Santosh Patil, a/w Adv. Shraddha Kadam & Adv. Arvind Tiwari, for the Respondent Nos. 4 & 5.

....

CORAM	:	AVINASH G. GHAROTE, J.
DATE	:	9th JULY 2024

P.C.:

1. The Petition challenges the Order dated 01.07.2024, passed by the respondent no. 2. Learned counsel for the respondent nos. 4 and 5 as well as the learned AGP for the respondent no. 1 to 3 point out that the Order dated 01.07.2024, (page 289) has already been questioned by the petitioner before the respondent no. 1 by way of revision which is pending. It is therefore contended that the present petition is not maintainable. Perusal of the memo of the Revision (page 306) indicates that what is challenged there is the Order dated 01.07.2024, prayer

clause-a (page 325). This revision, is admittedly pending before the respondent no. 1 considering which a challenge to the same order before this Court cannot be entertained. The plea, that the application for stay pending before the respondent no. 1 is not been decided, is one which cannot be entertained by me, in view of the provisions of the Appellate Side Rules.

2. It is also necessary to note that the order impugned in the revision before the respondent no. 1 is dated 01.07.2024. The revision has been filed on 03.07.2024, the memo of revision bearing the dated 02.07.2024 and the present petition has been filed on 05.07.2024. This conduct definitely calls for imposition of cost.

3. The petition is therefore dismissed, however with the costs of Rs.50,000/- to be paid by 12.07.2024, as a condition precedent to Mahila Vikas Mandal, Colaba, having saving account in Bank of Baroda, Backbay Reclamation Branch, Mumbai – 400020, A/c No.3820100002611, IFSC Code No.BARBOBACKBA, in the name of Mahila Vikas Mandal Colaba.

(AVINASH G. GHAROTE, J.)