



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16426 OF 2024

Siddharudh Kapalayya Swami and Others.

...Petitioners.

Versus

Shardabai Bhimasahankar Birajdar and Others.

...Respondents.

Mr. Hrishikesh S. Shinde for the Petitioner.

Ms. Snehal Jadhav, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : November 12, 2024.

P. C. :

1. Heard.
2. Against the order passed by Mamaltdar allowing the application under Section 5 of the Mamalatdar's Courts Act, 1906, the Respondent Nos.1 to 3 after the period of 2 years approached the SDO by filing a revision which has been allowed by the impugned order reversing the findings of Mamaltdar.
3. Learned counsel appearing for the Petitioner submits that after a period of two years without any application for condonation of delay, the revision came to be filed and that too after the suit filed by the Respondent Nos.1 to 3 came to be withdrawn having suffered rejection of application for interim relief. He submits that on the basis of order

of SDO, the Respondent Nos.1 to 3 on their own have closed the road thereby the Petitioners are unable to approach their agricultural lands having standing crops.

4. Issue notice to the Respondents (except Respondent No.6) returnable on **3rd December, 2024**. In addition to Court notice, advocate for the Petitioner to serve the Respondents by private notice by all possible modes of service and file affidavit of service before the next date.

5. Learned AGP waives notice for the Respondent No. 4 and 5.

[Sharmila U. Deshmukh, J.]