



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

WRIT PETITION NO. 5933 OF 2025

Vishwambhar Narharrao Patil (Died)
Through L.Rs. Urmila Vishwambhar Patil And Others .. Petitioners

Versus

The State Of Maharashtra And Others .. Respondents

Mr. S. A. Deshmukh, Advocate h/f Mr. Mukund S. Patil, Advocate for
the Petitioners.
Mr. P. D. Patil, AGP for Respondent Nos. 1 to 3.
Mr. V. D. Salunke, Senior Advocate h/f Mr. K. J. Ghute Patil, Advocate
for Respondent No. 16.

CORAM : KISHORE C. SANT, J.

DATED : 06th MAY, 2025.

P. C. :-

. Heard learned advocate for the petitioners and learned advocate
Mr. Salunke for respondent No. 16/caveator.

2. The petitioners – original appellants in Civil Appeal No. 31/2015
have challenged an order passed by the learned District Judge – 1,
Osmanabad dated 11.02.2025. By the impugned order, stay granted by
the Court came to be vacated. The matter is directed to proceed
against the only respondents who are present before the Court. The
petitioners – appellants are granted liberty to serve the notice to
unserved respondents through R.P.A.D. or any other mode of service.

The parties are directed to expedite the matter without any unnecessary adjournment and to co-operate.

3. It is the case of the petitioners that, there are more than 100 respondents in the appeal and it is for this reason the petitioners could not serve all the persons. They are taking steps to serve the respondents. However, due to time constraints and in view of number of respondents, the service on all the respondents is not yet completed. The learned advocate submits that, the learned District Judge, however, has vacated the stay without sufficient reason. The petitioners are ready to take every possible step to serve the respondents. The petitioners are ready to abide by time bound programme. He prays for setting aside the impugned order.

4. The learned advocate Mr. Salunke for respondent No. 16/caveator opposes the petition. He submits that, on one hand the petitioners have obtained stay in the appeal and on the other hand they are not taking steps to serve all the respondents and tried to enjoying the stay. However, looking to the fact that, stay was in operation since 10 years, the learned District Judge could have ordered the petitioners to serve the respondents by way of paper proclamation. Even the petitioners could have prayed for service in such manner.

5. This Court also finds it difficult at this stage that, if notices are to be issued in the petition, it will be kept pending for long period as there are more than 100 respondents even in this petition. Considering this peculiar fact, this Court grants the petitioners liberty to immediately approach the learned District Judge – 1, Osmanabad with a prayer to continue the interim relief and also with a prayer to publish the notice through paper proclamation so that the service could be completed within specific period. The learned District Judge also may fix the time bound programme for disposal of the appeal on merits. By keeping this liberty open to the petitioners this Court finds that, the writ petition can be disposed of.

6. It is expected of the learned District Judge to pass necessary orders at the earliest. The petitioners are also expected to take all possible steps and to positively serve all the respondents in the appeal within stipulated period. As it is, the learned District Judge has directed the matter to proceed against the respondents who are present before the Court.

7. With this, the writ petition stands disposed of by keeping liberty open to the petitioners.

(KISHORE C. SANT, J.)

PS.B.