

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

WRIT PETITION NO. 9052 OF 2025

Dharma Ladku Mhaskar Since
Deceased Represented Through His Lrs. ...Petitioners

VERSUS

Radhakrushna Mandir Panvel Vahivatdar
Prabhakar Ganpat Samel
Deceased through
Sanjeev Prabhakar Samel and Ors. ...Respondents

AND

WRIT PETITION NO. 9054 OF 2025 (Sr. No.66)

Ram Haushiram Patil ...Petitioner

VERSUS

Radhakrushna Mandir Panvel Vahivatdar
Prabhakar Ganpat Samel
Deceased through
Sanjeev Prabhakar Samel and Ors. ...Respondents

AND

WRIT PETITION NO. 9057 OF 2025 (Sr. No.67)

Rohidas Dharam Mhaskar & Ors. ...Petitioners

VERSUS

Radhakrushna Mandir Panvel Vahivatdar
Prabhakar Ganpat Samel
Deceased through
Sanjeev Prabhakar Samel and Ors. ...Respondents

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Mr. M. V. Thorat, Advocate for the Petitioners.

Mr. Vishal Kanade i/by Adv. Manish R. Bohra for Respondent
No.1.

Mr. R. A. Salunke, AGP for the Respondent – State in WP

No.9052/2025.

Ms. Kavita N. Solunke, AGP for the Respondent – State in WP No.9054/2025.

Mr. N. C. Walimbe Addl. G.P a/w Mr. P. G. Savant, AGP for the Respondent – State in WP No.9057/2025.

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**CORAM : M. S. KARNIK &
N. R. BORKAR, JJ.**

DATE : 08th JULY, 2025

P.C.:

1. Heard learned counsel for the petitioners.
2. In the appeal filed before the Sub-Divisional Officer (for short “SDO”) by the Respondent No.1, an application for condonation of delay was allowed. The petitioners aggrieved by the condonation of delay has preferred a revision before the State- Government.
3. Learned counsel for the petitioners submitted that in the revision preferred, the application for stay of the proceedings before the SDO which has been filed is not yet decided. If that is so, according to the learned counsel for the petitioners, if the appeal before the SDO is decided before the application for stay is heard, it will cause serious prejudice to

the petitioners.

4. Mr. Kanade, learned counsel for the Respondent No.1 on instructions submitted that even if the appeal is decided and in the event an order adverse to the petitioners is passed, the same may not be given effect for a period of six weeks to enable the petitioners to take appropriate remedies challenging the said order.

5. Accordingly, we observe that the SDO may proceed to decide the appeal as it has been heard substantially. In case the SDO is to pass an order adverse to the interest of the petitioners, the same shall not be effected for a period of six weeks.

6. In the meantime, the State Government may proceed with the hearing of the revision and application for stay.

7. We make it clear that if the appeal is decided before the decision on the revision or the stay application, it would be open for the petitioners to contest the decision on the point of delay as well as on merits before the appropriate forum, if the same is adverse to the interest of the petitioners.

8. The State-Government is requested to decide the application for stay and revision application expeditiously.

9. In this view of the matter, the Writ Petitions are disposed of.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)