IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6637 OF 2026
IN WP/802/2025

ABDUL KHAYYUM ALIAS KHAISARMIYA MOHD ZAFAR DIED THR LRS KHATIBE ABDUL NASER ABDUL KHAYYUM AND ANR
VERSUS
NAROTTAMDAS RADHAKISHAN TIWARI DIED THR LRS DURGA NAROTTAMDAS TIWARI AND ORS
...
Advocate for Applicant : Mr. Anand Dale h/f. Mr. Rathi Swapnil S.
Advocate for Respondent No. 1 : Mr. V.P. Patil
…

CORAM : MANJUSHA DESHPANDE, J.
DATE : 08TH OCTOBER, 2026

PER COURT :

1. The Application is filed by the Petitioners for recalling of the order passed by this Court on 09.03.2026, dismissing the Writ petition for failure to take steps as well as seeking permission to serve Respondent nos. 2, 6-1, 6-3 and 6-4 by way of paper proclamation in the newspapers as mentioned in paragraph no. 6 of the Civil Application.

2. The learned Advocate for the Applicants submits that due to oversight, the Applicants could not take note of the order passed by this Court on 09.03.2026. As a result of which, the matter was dismissed automatically without further reference to the Court. Therefore, considering the *bona fides* of the Applicants and the fact that the failure

to take steps is neither intentional nor deliberate, the Writ petition deserves to be restored.

3. Considering the averments made in the Application, the grounds for recalling the order appears to be genuine. Hence, the order dated 09.03.2026, passed by this Court is recalled.

4. So far as the prayer for issuance of paper proclamation is concerned, the Petitioners state that the Petition came to be dismissed against the unserved Respondent nos. 1-A, 2, 6-1, 6-3 and 6-4. Amongst them Respondent no. 1-A is reported to be dead and his legal representatives are already brought on record, for which a separate pursis has already been filed.

5. So far as unserved Respondents are concerned, they are not found on the given address as mentioned in the title clause, which was lastly known to the Applicants. Therefore, the Applicants are praying for service of notice through paper proclamation. The Applicants propose to serve Respondent no. 2 by way of paper proclamation in local newspaper namely ‘Business Standard’ which is widely published in District Kareemnagar, State Telangana, where the Applicants have got knowledge that Respondent no. 2 was lastly resided.

6. Similar request is made in respect of Respondent nos. 6-1 and 6-4 to serve them by way of paper proclamation in local newspaper ‘Pune Navrashtra’ which is widely published in District Pune, where Respondent nos. 6-1 and 6-4 were known to reside lastly.

7. So far as Respondent no. 6-3 is concerned, the notice shall be issued through paper proclamation in local newspaper namely ‘Daily Lokmat’ which is widely circulated in District Jalna, where Respondent no. 6-3, was last known to have resided.

8. In view of the aforementioned details given by the Applicants in the Application, Civil Application is allowed in terms of payer clause ‘B’ and ‘C’ by condoning the delay.

9. The Applicants shall give proclamation in the respective newspapers within a period of four weeks and file an affidavit along with the paper cutting of the aforementioned newspapers within a period of two weeks, thereafter.

(MANJUSHA DESHPANDE, J.)

SPC