



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3499 OF 2026**

Vaibhav Suresh Thakur ... Petitioner
versus
Ravindra Dattatray Thakur and Ors. ... Respondents

Mr. Chintan Shah with Mr. Suyog Bagde, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 18 MARCH 2026

P.C.

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 1 August 2025, whereby the learned Civil Judge has dismissed the suit qua Defendant Nos.5/1 and 5/2 on the ground that no steps were taken to serve the said Defendants, who were brought on record as the legal representatives of deceased Defendant No.5, pursuant to an order dated 17 October 2024.
3. Learned Counsel for the Petitioner invites attention of the Court to a Bailiff Report dated 13 February 2025, which records that the summons was duly served on Defendant Nos.5/1 and 5/2. It was submitted that, without considering the said report of service, the suit came to be dismissed qua Defendant Nos.5/1 and 5/2. Copy of the summons (Exh.140) and the report of the Bailiff overleaf (pages 65 and 66 of the Petition) indicate that the summons were issued to the legal representatives of Defendant No.5 and

they were duly served on 13 February 2025.

4. In these circumstances, learned Civil Judge seems to have passed the impugned order dismissing the suit qua Defendant Nos.5/1 and 5/2 without considering the said report.

5. Resultantly, the Writ Petition stands allowed.

6. The impugned order dated 1 August 2025 dismissing the suit for not taking steps qua Defendant Nos.5/1 and 5/2 stands quashed and set aside.

7. Suit qua Defendant Nos.5/1 and 5/2 stands restored to the file.

(N.J.JAMADAR, J.)