



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2740 OF 2026

Kasam Piru Gawali

Vs.

Dhirajlal Babulal Rupareliya (Since Deceased) Through Lrs. And Others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. J.B. Gandhi, Advocate for the Petitioner.

Mr. B.K. Suchak, Advocate for Respondent Nos.1 to 7.

Ms. K.H. Bhondge, AGP for the Respondent/State.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATED : 06th APRIL, 2026

1. Heard learned counsel for the petitioners as well as the learned counsels for the respondents.
2. Petitioner's challenge is to the Order dated 18.03.2026 passed by the Additional Commissioner, Amravati Division, Amravati thereby, rejecting the application for stay in the Appeal under Section 257 of the Maharashtra Land Revenue Code, 1966 (for short "Code").
3. It is submitted that the application for stay is not entertained only on the ground that the respondent No.3/Caveator in the said appeal was not served and only on this count the said application came to be rejected.
4. Learned counsel for the petitioner submits that the petitioner / appellant had attempted to serve respondent No.3/Caveator at the address given in the caveat, however, the address being "insufficient", the service could not be effected upon him. He also submitted that respondent No.3 is taking

steps to get the land mutated in his name and therefore, the appellant was pressing for interim relief before the Appellate Authority. It is also pointed out that the appeal is now fixed for further adjudication on **09.04.2026** before the Additional Commissioner, Amravati Division, Amravati.

5. At this stage, Advocate Mr. Suchak, appears suo-moto and waives service of notice on behalf of respondent Nos.1 to 7. He also expressed readiness to accept service on behalf of respondent No.3, in the appeal pending before the Additional Commissioner, Amravati Division, Amravati.

6. Considering the fact that the main appeal is pending before the Additional Commissioner, Amravati Division, Amravati, on 09.04.2026 and in view of service of notice upon respondent No.3, it is desirable that the parties appear before the said Authority on **09.04.2026** and prosecute the application for stay as well as the appeal.

7. In view of this, as respondent No.3 has appeared in this petition through his lawyer, the petitioner is permitted to effect the service of the memo of appeal under Section 257 of the Code, upon respondent No.3 as well as his counsel.

8. Accordingly, the writ petition needs to be disposed of with a direction to the parties to prosecute the main appeal before the Additional Commissioner, Amravati Division, Amravati. As the challenge was raised to the order on application for stay, for failure to serve the respondent No.3, now, in view of the service being complete, the matter can be prosecuted before the Additional Commissioner, Amravati Division, Amravati.

9. In view of this, the writ petition is **allowed**. The impugned order dated 18.03.2026 is quashed and set-aside.

Matter is remanded to the Appellate Authority to decide the application for stay afresh, after giving due opportunity of hearing to the parties concerned.

10. Hence, the writ petition is **disposed of** in above terms.
No order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

Privel