

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

WRIT PETITION NO.4530 OF 2010

Vanabai Chindu Mhaske

.. Petitioner

Versus

Ramdas Dhondu Kulkarni and ors.

.. Respondents

Mr M.M.Bhokarikar, Advocate for petitioner

Mr P.R.Patil, Advocate for respondent No.2

Mr V.Y.Patil, Advocate for respondent No.3A to 3C and 3E to 3G

Mr S.K.Kadam, A.G.P. for respondents No.4 to 6

**CORAM : R.M. BORDE AND
N.W. SAMBRE, JJ.**

DATE : 16th February 2015

PER COURT

1. It is not disputed that the decision rendered by learned Single Judge in Writ Petition No.998 of 1991 on 28th January 2010, is a matter of challenge in letters patent appeal presented by the petitioner. The order impugned in this petition dated 20th April 2010 directing delivery of possession of property in favour of another tenant, is a consequential act. It would be open for the petitioner to pray for consequential relief in the pending letters patent appeal.

2. So far as the instant petition is concerned, since order passed by the learned Single Judge is the matter of challenge in the pending letters patent appeal, this petition does not survive and is accordingly disposed of, keeping all the options open to the petitioner.

(N.W. SAMBRE, J.)

(R.M. BORDE, J.)