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

WRIT PETITION NO.6516 OF 2015

Abdul Salim s/o Abdul Samad ..PETITIONER

VERSUS

The Education Officer (Primary),
Zilla Parishad, Nanded & ors. ..RESPONDENTS

Mr Vivek J. Dhage, Advocate for petitioner;
Mr Mr Y.M. Kshirsagar, Advocate for respondent no.1;
Mr Zia-Ul-Mustafa, Advocate for respondents no.3 & 4

CORAM : N.W. SAMBRE, J.
DATE : 30th November, 2015

ORAL ORDER :

This Court, while admitting Civil Revision Application No.1092 of 1997, in which the order dated 7th October, 1997, passed by Joint Civil Judge Senior Division, below Exh.18, in Regular Civil Suit No.453 of 1997 was questioned, had stayed further proceedings of the suit.

2. By order dated 7th October, 1997, present respondents no.3 and 4 – the office bearers of a trust, namely, Peoples Education Society, were permitted to be added as parties.

3. On 8th August, 2003, Civil Revision Application came to be dismissed as not maintainable, as the order permitting addition of parties is an interlocutory order.

4. The petitioner, thereafter, has not taken any steps till date, i.e. up to 2015, questioning the order permitting addition of parties, but for the present petition.

(2)

5. Mr Dhage, learned Counsel appearing on behalf of the petitioner, would strenuously urge that addition of parties, as permitted by the Court below, is not sustainable, as according to him, those parties are added in their individual capacity, even though are office bearers of the trust.

6. In view of the objection raised by the learned Counsel appearing on behalf of the respondents, this Court is not inclined to entertain the petition, particularly in the background of the fact that the order impugned dated 7th October, 1997, is sought to be questioned in the present petition after a period of about twelve years, without giving any explanation for delay and laches.

7. Apart from above, the issue raised in the petition pertains to the shifting of the school and so as to decide an issue of unhealthy competition, the Court below, in my opinion, was right in permitting addition of respondents no.3 and 4 as party respondents.

8. In view of above, there is no substance in the petition. Thus, the petition stands dismissed with costs.

9. It is clarified that respondents no.3 and 4 are permitted to participate in the suit proceedings, only to the extent of their right *qua* the office bearers of the trust.

(N.W. SAMBRE, J.)

amj