

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO.148 OF 2014

- 1) Vilas Vishwanath Shete,
Age-53 years, Occu:Business,
- 2) Daulatrao Jankoji Shinde,
Age-62 years, Occu:Business,
- 3) Sharadkumar Madanlal Zawar,
Age-66 years, Occu:Business,
- 4) Sahebrao Shankarrao Nagargoje,
Age-66 years, Occu:Business,
- 5) Vishwanath Murlidhar Pokharkar,
Age-70 years, Occu:Pensioner,
- 6) Ashokrao Raoji Sonwane,
Age-62 years, Occu:Business,
- 7) Milind Vasudeo Newaskar,
Age-65 years, Occu:Business,
- 8) Vinod Chaturbhuji Bajaj,
Age-65 years, Occu:Business,
- 9) Shrikant Bajrang Ashtekar,
Age-50 years, Occu:Business,
- 10) Ramesh Govardhan Berad,
Age-58 years, Occu:Business,

- 11) Ramrao Vishwanath Sherkar,
Age-68 years, Occu:Business,

All R/o-Anandnagar Housing Society,
Anandnagar, Gulmohar Road,
Ahmednagar.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Collector, Ahmednagar,
- 2) Deputy Director of Education,
Pune Region, Pune,
17, Dr. Ambedkar Marg,
Opp. Lala Mandir, Pune-1,
- 3) The Education Officer (Primary),
Zilla Parishad, Ahmednagar,
- 4) The Administrative Officer,
Municipal Council Shikshan Mandal,
Municipal Council School, Gaurighumat,
Ahmednagar, Tq. & Dist-Ahmednagar,
- 5) Sau. Yogita Vishwanath Thange,
Age-38 years, Occu:Agril & Service,
R/o-House No.9, Municipal Colony,
Near T.V. Center, Savedi,
Ahmednagar.

...RESPONDENTS

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Mr. Parag V. Barde Advocate for Applicant.
Mrs.R.K. Laddha, A.G.P. for Respondent
Nos.1 and 2.
Mr.S.T. Shelke Advocate for Respondent No.3.
Mr. K.N. Lokhande Advocate for Respondent
No.4,
Mr.V.D. Sapkal Advocate for Respondent No.5.

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CORAM: A.I.S. CHEEMA, J.

DATE : 6TH JANUARY, 2015

ORDER :

1. Heard learned counsel for Applicants and learned counsel for Respondent No.5.

2. Learned counsel for Respondent No.5 is submitting that Respondent No.5 has filed Regular Civil Suit No. No.688 of 2013 (Yogita Vishwanath Thange vs. Vilas Vishwanath Shete and others) in the Court of Civil Judge, Senior Division, Ahmednagar for injunction that the Defendants should not obstruct her in her day-to-day work as Head Mistress. Learned counsel submits that when the written statement came to be filed in the Suit, the Respondent No.5 - Plaintiff realized that there was already termination order dated 9th April, 2013. The counsel, on instructions, submits that Respondent No.5 may be permitted to withdraw the Suit with liberty to move the School Tribunal

against the termination order and the Respondent No.5 may be given benefit of the time spent in litigating in the Civil Court.

3. The learned counsel for Applicants does not object to the same.

4. In view of the submissions made before me, Respondent No.5 - original Plaintiff is permitted to withdraw Regular Civil Suit No.688 of 2013 pending before Civil Judge, Senior Division, Ahmednagar. The Regular Civil Suit No.688 of 2013 is disposed of as withdrawn by the Plaintiff against all Defendants. It goes without saying that interim orders regarding jurisdiction, passed by the Civil Judge, Senior Division, Ahmednagar would not survive. The Respondent No.5 - Yogita Vishwanath Thange - Original Plaintiff is given liberty to move the School Tribunal against the termination order. The School Tribunal, may sympathetically consider the time spent by

Plaintiff for litigating Regular Civil Suit No.688 of 2013, while considering the delay.

5. Present Civil Revision Application is disposed of, accordingly.

[A.I.S.CHEEMA,J.]

asb/JAN15