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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6060 OF 2013

Sandeep Padmakar Joshi & Ors. ...Petitioners
vs.
The State of Maharashtra
and others ...Respondents

Mr.Sham Walve for the Petitioners
Mr.V.S.Gokhale, AGP for the respondent Nos.1,3 and 4
Mr.M.L.Patil for respondent No.2
Mr.C.G.Gavnekar a/w Mr.Suhas Deokar for respondent
Nos.5,6,9 to 16.

CORAM : A.S.OKA, &
 V.L.ACHLIYA, JJ.
DATE : SEPTEMBER 9, 2015

P.C.:

1 Heard the learned counsel for the petitioners. We have perused the copy of plaint in Special Civil Suit No.266 of 2012 filed by the petitioner in the Court of Civil Judge (S.D.), Nashik. After having perused the plaint, we find that unless the petitioners succeed in getting appropriate declaration as regards the illegality of the consent decree in earlier suit, they cannot claim any right, title or interest in the property in question. Though the plaint in the suit was rejected, by the Judgment and Decree dated 17th August 2015 passed in the First Appeal No.880 of 2015, by setting aside the decree of the Trial Court, the suit has been remanded for consideration of the Trial Court.

2 This is not a fit case to entertain a petition under Article 226 of the Constitution of India. Writ Petition is accordingly disposed of.

3 All contentions of the parties in the pending suit are kept open.

(V.L.ACHLIYA,J.)

(A.S.OKA,J.)

CERTIFICATE

Certified to be true and correct copy of original
signed Judgment/Order.