

**HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR**

**W.P.No.23037 of 2015**

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**ORDER:**

Heard.

Earlier, the petitioner has approached this Court in W.P.No.6419 of 2015 complaining of delay in disposal of the appeal and the said writ petition was disposed of by this Court on 30-03-2015 directing the appellate authority to hear and dispose of the appeal within two months from the date of receipt of a copy of this order. Now, the same petitioner has again filed the present writ petition seeking a direction to the same appellate authority to hear and decide the stay petition.

Such a request was never made in the earlier writ petition and as such, the request of the petitioner in the present writ petition cannot be considered once again, when there is a direction to decide the appeal itself. The petitioner cannot, therefore, seek the relief in instalment basis against the same cause of action, which is covered against him under constructive resjudicata.

Accordingly, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

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**VILAS V.AFZULPURKAR, J**

Date: 24-07-2015

Prv

