

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

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WRIT APPEAL No. 571 OF 2015

Date: 09.07.2015

Between:

Mangalagiri Madhubabu
& others.

... Appellants

And

Mangalagiri Sai Ram
& others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No. 571 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order, dated 17.06.2015, passed in W.P.No.16378 of 2015, whereby writ petition filed by the 1st respondent has been allowed with direction to the official respondents to issue Police Martyr Certificate in favour of the 1st respondent to seek admission in terms of G.O.Ms.No.106, Health, Medical and Family Welfare (E1) Department, dated 16.07.2013. Learned Judge has also issued consequential directions.

The appellants, who are sons of Martyr late Shankar Jee, dispute the 1st respondent's claim that he is also son of their father. There is a suit pending between the parties where, this Court is informed that all those issues will be considered and decided by the civil Court. The Police Martyr Certificate, which is directed to be issued, admittedly does not affect the appellants. In view thereof, we are not inclined to entertain the appeal. When we so expressed, learned counsel for the appellants prayed for disposal of writ appeal with observation that the suit may be decided on merits in accordance with law and uninfluenced by the observations made in the impugned order.

Learned counsel appearing for respondent No.1 does not have any objection for making such observation. It appears that learned

Judge has disposed of the writ petition even without issuing notice to the appellants, who were respondent Nos.5 to 7.

In view thereof, we dispose of the writ appeal as not pressed. It is made clear that the trial Court, which is dealing with the suit O.S.No.29 of 2014, shall decide the same on merits in accordance with law and uninfluenced by the observations made in the impugned order. All contentions of the parties on merits of the suit are kept open.

Miscellaneous petitions, if any, shall stand closed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 09.07.2015

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