

2. After hearing the learned counsel for the parties, since the issue stands decided, it is difficult to consider that such a finding can be unsettled in the writ petition, unless the parties get proper opportunity. Such an opportunity may be available to the petitioner if he considers to be aggrieved by the finding given by the court on the preliminary issue by trial court at an appellate stage and having regard to section 105, it appears that, such an avenue is open for the petitioner if the matter goes on.

3. As such, the writ petition is not being entertained in view of above, the same stands disposed of.

(SUNIL P. DESHMUKH)
JUDGE

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