

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WAMP. No.885 OF 2016
and
WRIT APPEAL No.468 OF 2016

DATED: 14.06.2016

WAMP. No.885 OF 2016

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Between:

Budamagundla Gopi

... Petitioner

and

Kasaram Bhaskar and others

... Respondents

**THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

WAMP. No.885 OF 2016
and
WRIT APPEAL No.468 OF 2016

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

Heard learned counsel for the parties.

This petition is filed seeking leave to file appeal against the order, dated 04.01.2016 passed in Writ Petition No.19256 of 2012.

Admittedly, petitioner/applicant (leave petitioner) was not party to the said Writ Petition, though according to the leave petitioner, he has interest in the subject matter of Writ Petition No.19256 of 2012. We are informed that there is another Writ Petition bearing W.P.No.33213 of 2013 pending between the writ petitioner in Writ Petition No.19256 of 2012 and the leave petitioner.

Mr. S. Niranjan Reddy, learned counsel for leave petitioner submits that the order, dated 04.01.2016

impugned in these proceedings is likely to be relied upon by the writ petitioner in Writ Petition No.33213 of 2013. He submits that leave petitioner would be satisfied if observation is made that the order, dated 04.01.2016 passed in Writ Petition No.19256 of 2012 is not binding on him and it would be open for the leave petitioner either to distinguish the same or to persuade the learned Judge, while arguing Writ Petition No.33213 of 2013 to take differing view.

Mr. M.N. Narasimha Reddy, learned counsel for the writ petitioner though in all fairness, submits that the order, dated 04.01.2016 passed in Writ Petition No.19256 of 2012 is not binding on the leave petitioner, it is open to the writ petitioner to rely upon the same before the learned Judge in the course of hearing of Writ Petition No.33213 of 2013.

In the circumstances, we dispose of this application observing that the order, dated 04.01.2016 passed in Writ Petition No.19256 of 2012 is not binding on the leave petitioner, and it would be open for him to persuade the learned Judge in the course of hearing of Writ Petition No.33213 of 2013 to take differing view. It is made clear that while passing this order, we have not examined merits of the case.

Consequently, Writ Appeal is disposed of.

Miscellaneous petitions, if any pending, also stand

disposed of.

14th JUNE, 2016.

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DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J