

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

242 WRIT PETITION NO. 4007 OF 1995

DATTATRAYA GANPATRAO JOSHI (DIED) THROUGH L.RS
MRS. BABY W/O DATTATRAYA JOSHI AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : None.

AGP for Respondent : Mr. N. T. Bhagat.

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CORAM : **V. K. JADHAV, J.**

DATE : 21st December, 2017.

P.C.:

. Petitioner deceased Dattatraya Ganpatrao Joshi, who was appearing in-person died during the pendency of this writ petition. By order dated 11th May, 2017, this Court has directed the Registry to issue notice to the legal representatives of the Petitioner, who are brought on record, to engage the Advocate to represent them or to appear in-person, as the case may be. Though Petitioner Nos.1-a to 1-f are duly served, none appears for them. Petitioner Nos.1-a to 1-f are also absent.

2 In this petition, the Petitioner has prayed for setting aside the order passed by the Assistant Charity Commissioner dated 2nd March, 1980, the judgment of the Assistant Charity Commissioner, Aurangabad dated 13th March, 1989 and the judgment dated 9th June,

1995 passed by the Additional District Judge. Further, the Petitioner Dattatraya, who was appearing in-person, had accepted before this Court that the rights of the parties are already decided and made final by the orders passed by this Court in First Appeal No.441 of 1991 and that the Petitioner has no subsisting right in the Trust property. He had also admitted that there is no further challenge to the said order passed by this Court in First Appeal No.441 of 1991 either in Letters Patent Appeal or by filing Special Leave Petition before the Apex Court. However, the Petitioner has filed a civil suit bearing Civil Suit No.290 of 1992, which is pending in the Court of Civil Judge, Senior Division, Jalna and the application Exhibit 5 filed by the Petitioner for injunction is still pending. In view of the same, this Court by order dated 15th February, 2002 has recorded the aforesaid admissions given by the Petitioner in-person and directed that the parties in this writ petition to appear before the learned Additional District Judge, Jalna and learned Civil Judge, Senior Division, Jalna on 25th February, 2002 and make an application indicating their presence in the Court and thereafter, the learned Judge to fix the date and dispose of the matters as per the order. Even this Court has also observed that the learned Judge, Jalna should also consider alongwith application Exhibit 5 whether the suit filed by the Plaintiff is tenable or not.

3 In view of the above interim order, nothing survives in this writ petition. The writ petition is accordingly disposed of in terms of the aforesaid order passed by this Court on 15th February, 2002. Rule discharged.

4 All the pending civil applications stand disposed of.

[V. K. JADHAV, J.]

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