

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.13163 OF 2018
IN
CIVIL APPLICATION NO. 7674 OF 2018
IN WP/3621/2008**

**GAJANAN PUNDLIK MALPURE.
VERSUS
SUKHWASI BHAGWANDAS LAL AND OTHERS.**

**WITH
CIVIL APPLICATION NO. 7674 OF 2018
IN WP/3621/2008**

**SUKHWASI BHAGWANDAS LAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for the Applicant in CA 13163/2018 : Shri V.D.Hon, Senior
Advocate h/f Shri A.P.Deshmukh.

Advocate for the Applicants in CA 7674/2018 : Shri Mantri Ramesh R..

Advocate for the Petitioners in WP 3621/2008 : Shri S.H.Tripathi.

Advocate for Respondent 2 in WP 3621/2008 : Shri I.A.Chandorikar h/f
Shri P.R.Patil.

Advocate for Respondent 7 in WP 3621/2008 : Shri S.D.Pokharkar h/f
Shri P.B.Pawar.

Advocate for Respondent 8 in WP 3621/2008 : Shri V.D.Sapkal.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 26th October, 2018

Per Court:

This Civil Application No.13163/2018 is filed by the
Applicant (Mr.Gajanan Malpure) seeking intervention in Civil Application

No.7674/2018, which has been filed by the Applicants (Sukhwasi Bhagwandas Lal and others) praying for recalling the judgment and order of this Court dated 24.07.2009 delivered in Writ Petition No.3621/2008. It is further prayed that the writ petition be restored and be listed for final hearing.

2 The contention of Shri Hon, learned Senior Advocate appearing on behalf of the Applicant (Gajanan Malpure) is that he is a social worker. He is an office bearer of the political party by name Shivsena at Jalgaon. He is interested to ensure that the administration is conducted in free and unpolluted atmosphere and the land grabbers and illegal activities in Jalgaon would stand exposed. It is further submitted that the Applicant apprehends that the Applicants in Civil Application No.7674/2018 are likely to withdraw the said Civil Application.

3 This argument does not impress me for the reason that this Court has delivered the judgment on 24.07.2009. For the last nine years, there has been no challenge to the said judgment before the Honourable Supreme Court or before the Letters Patent Appeal Bench of this Court, which was available till 2013. The said judgment has, therefore, attained finality.

4 Civil Application No.7674/2018 will have to be considered in view of the contentions and averments set out by those Applicants as being the grounds seeking recalling of the judgment of this Court dated

24.07.2009. Whether, those applicants desire to pursue with the said Civil Application or withdraw from the same, is a matter to be left to those applicants. The present Applicant (Gajanan Malpure) was neither a party to the litigation, nor is he interested in the matter for the reason that the writ petition was already decided and disposed of on 24.07.2009.

5 In view of the above, I do not find that the Applicant (Gajanan Malpure) can be said to have a just cause in seeking intervention in this matter. Civil Application No.13163/2018 is, therefore, rejected.

6 As far as Civil Application No.7674/2018 is concerned, the same be listed on 30.11.2018.

kps

(RAVINDRA V. GHUGE, J.)