

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

WRIT PETITION NO.13980 OF 2017

**IQBAL ISMAIL RAJKOTWALA DIED THROUGH LRS ARIF IQBAL
RAJKOTWALA AND OTHERS**

VERSUS

NATHASAHEB BABURAO KARALE AND OTHERS

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Advocate for the Petitioners : Shri A. K. Gawali

Advocate for Respondent No.1 : Shri N. V. Gaware

AGP for Respondent Nos. 2 to 4 : Shri S. R. Yadav- Lonikar

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 17th DECEMBER, 2018.

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PER COURT :

1. The learned AGP points out that the impugned order has been passed which can be assailed by preferring a second revision in view of the judgment of the Honourable Apex Court in the matter of *Gurudassing Nawoosing Panjwani Vs. State of Maharashtra, [2015 (6) Mh.L.J. 915]*.

2. The learned Advocate for the petitioners submits that the very first order is an illegal order, is non-est and, therefore, this Court may exercise its jurisdiction.

3. I do not find that the cause of action put forth by the petitioner is such that the revisional authority would be precluded from considering it or that it is only this Court that could exercise its supervisory jurisdiction without the petitioners availing of a statutory remedy.

4. In view of the above, this petition is disposed off. If the petitioners file their second revision within four weeks from today. The time spent by the petitioners in this Court from 15/11/2017 until four weeks from today, would be a good ground for condonation of delay. Needless to state all the contentions of the litigating sides are kept open, *inasmuch* as, the ground raised by the petitioner that the very first order was non-est, would be considered on its merits.

(RAVINDRA V. GHUGE, J.)

shp/-