

*rrpillai***IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 819 OF 2018**

Progressive Education Society
through its Secretary

... Petitioner

vs.

Mr. Dilipsing Gulabsing Pardeshi & Ors.

... Respondents

Mr. Siddhartha Ravindra Ronghe for the Petitioner.

Ms. Vaishali Nimbalkar, AGP for Respondent nos. 2 and 3.

CORAM : A.K. MENON, J.

DATE : 13th FEBRUARY, 2018

P. C.

1. By this writ petition the petitioner seeks to challenge an order dated 6th January, 2018. The impugned order records that the case was one of the oldest pending case before the Tribunal. The petitioner-appellant had repeatedly remained absent. The Tribunal therefore fixed the matter for judgment since evidence had already been recorded.

2. Mr. Ronghe states that the petitioners are aggrieved by the said order. In the course of his submissions he sought a direction restraining the Tribunal from pronouncing the judgment. He submitted that the petitioner may be permitted to urge issue of maintainability of the appeal. He fairly pointed out that in order dated

7th December, 2017 the Tribunal had observed that both parties would be heard on the aspect of maintainability at the final hearing and the opportunity to urge this issue has not been denied to the management.

3. In the circumstances, I find no reason to interfere with the impugned order in the Writ Jurisdiction of this Court. Writ petition is dismissed.

(A.K. MENON, J.)