

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 12673 OF 2017

Budhabhai Jethabhai Waghela & Anr. ... Petitioners
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. Vijaykumar R. Garad for the Petitioners.
Mrs. M.P. Thakur, A.G.P. for the State.

**CORAM : R.M. SAVANT &
K.K. SONAWANE, JJ.**
DATE : 28th AUGUST, 2018.

P.C. :

Having regard to the nature of the relief sought which involves competing claim of the Respondent No.3 i.e. wife of the deceased. We are afraid we would not be in a position to grant the said relief in the absence of the rights of the parties i.e. parents of the deceased who are Petitioners and Respondent No.3 who is wife of the deceased, being decided. The Petitioners would, therefore, have to seek recourse by way of civil proceedings. The learned Counsel for the Petitioners states that the Petitioners would file appropriate civil proceedings. Needless to state that if any such civil proceedings are filed, the same would be tried on their own merits and in accordance with law. With the observations as aforesaid, the Writ Petition is disposed of.

(K.K. SONAWANE, J.)

(R.M. SAVANT, J.)