

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2282 OF 2018

IN

WRIT PETITION NO.1461 OF 2017

Jayashri Satish Paithankar	...Applicant
<i>In the matter between</i>	
Nilambari Nandkishor Kulkarni and Others	...Petitioners
vs.	
The Executive Engineer, Public Works Department, Nashik and Others	...Respondents
Mr. S.M. Sabrad, for the Applicant	
Mr. B.R. Deshmukh, for Petitioners	
Mr. A.I. Patel, AGP for Respondent-State.	

**CORAM : SHANTANU S. KEMKAR &
SARANG V. KOTWAL, JJ.**

DATE : OCTOBER 17, 2018

P.C.:

- . Parties through their counsel.
2. With consent heard finally and disposed of.
3. After arguing for some time, the learned counsel for the Applicant submits that this Application may be disposed of with liberty to the Applicant to raise her objection before the District Magistrate, Nashik before whom the matter is still pending after the order passed by this Court on 21st August, 2018 in Writ Petition No. 1461 of 2017.

4. Having regard to the aforesaid as agreed, we dispose of the the Civil Application No. 2282 of 2018 without interfering in the order of which recall is sought, however with observation that the District Magistrate, Nashik shall give opportunity of hearing to the Applicant as also to the original Petitioner before taking final decision in the matter.

5. All contentions of the parties are kept open including contention of the original Petitioner that the objection at the instance of the third party like Applicant will not be maintainable.

6. The Applicant and the original Writ Petitioner to appear before the District Magistrate, Nashik on 29th October, 2018 at 3.00 p.m.

7. The decision as aforesaid be taken by the District Magistrate, Nashik within one month from the date of appearance of the parties before him.

8. With the aforesaid direction, the Civil Application is disposed of.

(SARANG V. KOTWAL, J.)

(SHANTANU S. KEMKAR, J.)