

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5947 OF 2018

PANDURANG DAGADU SABLE AND OTHERS
THOROUGH GPA MAHENDRA SAHEBRAO SABLE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioners : Mr. M.R. Malpani
h/f. Adv. Mr. A.B. Kale.
AGP for Respondent Nos. 1 to 3 : Mr. S.K. Tambe.
Advocate for Respondent Nos. 4 to 9 : Mr. R.P. Adgaonkar.

CORAM : M.S. Karnik, J.
Dated : 07.08.2019

Per Court :

1. Learned counsel for respondent Nos. 4 to 9 / original plaintiffs invites my attention to the order dated 16.04.2019, passed by the trial Court, partly decreeing the suit. The suit thus stands disposed of.

2. The petitioners in this petition tried to intervene in the pending suit. The application for intervention came to be rejected. Against the order rejecting the application for intervention, present petition is filed. Now that the suit has been decreed, nothing survives for consideration in the present petition. It would be obviously open for the petitioner to avail of appropriate remedy challenging the decree or filing an appropriate application for intervention in the appeal. In the event such an appeal is filed, the question of maintainability / locus of the

petitioner to file such proceedings is kept open. The application be decided in accordance with law.

3. It is made clear that I have not considered the submissions of the counsel for petitioner on merits of the matter. All contentions in that regard are kept open. Petition disposed off.

S.P.C.

(M.S. Karnik, J.)