

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

WRIT PETITION NO. 7173 OF 2019

**GAJANAN NAMDEV TALELE
VERSUS
VITTHAL NAMDEV TALELE THROUGH LRS KAMALBAI
VITTHAL TALELE AND OTHERS**

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Advocate for the Petitioner : Shri S. G. Chapalgaonkar
Advocate for Respondent No.1-B : Shri G. S. Rane

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 17th JUNE, 2019.

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PER COURT :

1. The learned Advocate for the petitioners submits on the information furnished by the learned Advocate for respondent No.1-B that the original proceedings in which the petitioner had sought intervention and which was refused by the impugned order dated 05/01/2019, have been disposed off.

2. The learned Advocate for respondent No. 1-B cites the certified copy of the order dated 16/04/2019 passed by the learned Principal District Judge, Jalgaon, below Exhibit 1 in Civil M.A. No. 20/2017 (wrongly typed as 20/2007) which indicates that the said application has been disposed off as withdrawn on the basis of a compromise between the parties

before the mediator vide purshis Exhibit 42. The certified copy of the order dated 16/04/2019 (6 pages) is taken on record and marked as 'X' for identification.

3. In view of the above, the learned Advocate for the petitioner prays that this petition may be disposed off with liberty to the petitioner to take recourse to a remedy as may be permissible in law.

4. As such, this petition is disposed off with liberty as prayed for. In the event of any limitation being applicable, the time spent by the petitioner in this Court from 13/03/2019 till the passing of this order shall be a good ground for seeking condonation of delay.

5. Needless to state, if the petitioner takes recourse to any remedy, all contentions of the litigating sides are kept open and the withdrawal of this petition shall not be an impediment.

(RAVINDRA V. GHUGE, J.)

shp/-