

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

**904 CIVIL APPLICATION NO.6324 OF 2019
IN WP/10655/2018**

**MAHENDRA DATTATRAYA NIKALJE
VERSUS
THE ZONAL MANAGER APPELLATE AUTHORITY LIFE
INSURANCE CORPORATION OF INDIA AND OTHERS**

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**Advocate for Applicant : Mr Nimbalkar Aniruddha A
Advocate for Respondents 1 to 3 : Mr A D Kasliwal**

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 21st June, 2019

PER COURT :

1. In the writ petition, we had passed following order:

"6. The respondent / authority shall take decision upon the application of the petitioner (Exhibit K, Page No.83) filed for reinstatement upon acquittal in the criminal case on its own merits, in accordance with law, expeditiously and preferably within a period of two (02) months from today. All contentions of respective parties are kept open."

2. According to the applicant no decision is taken in spite of the order of this Court. Mr. Nimbalkar, learned Advocate submits that appeal filed by the original complainant and the State against the

acquittal granted to the present applicant is pending before this Court. It is submitted that no prohibitory orders are passed in the appeal.

3. The respondent/authority is expected to take decision *de hors* the pendency of the appeal. If the appeal is allowed, then naturally the respondents have every right to take further decision. However, mere pendency of the appeal would not be a bar to the authority to take decision.

4. Civil application is accordingly disposed of.

(A. M.DHAVALÉ, J.)

(S.V.GANGAPURWALA, J.)

JPC