

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.12877 OF 2017

RAGHUNATH VITTHAL MATHURE AND ANOTHER

VERSUS

RATILAL VITTHAL MATHURE AND OTHERS

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Advocate for Petitioners : Mr.Tushar R. Daware h/f

Mr.Ajay G. Talhar

Advocate for Respondent Nos.1, 2, 6, 11 and 12 :

Mr.K.V.Patil

Advocate for Respondent Nos.4, 5 and 7 to 10 :

Mr.P.S.Gaikwad

AGP for Respondent Nos.13 to 17 : Mr.S.R.Yadav

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 12th December, 2019.

PER COURT :-

1. The learned Advocates for the respective sides jointly submitted that Regular Civil Suit No.78/2017 is pending before the Trial Court. The impugned order can be made subject to the result of the pending suit. Reliance is placed on a similar order

passed in the matter of Subhash Ramdas Koli and another Vs. Ramdas Madhav Koli died Lrs Shevantabai Ramdas Koli and others, Writ Petition No.3341/2017, decided on 08/08/2017, in which the learned Advocate for the petitioners in this petition had also conducted the brief on behalf of the petitioners.

2. Considering the above, and in the light of the law laid down by this Court in the matter of Shrikant R. Sankanwar and others Vs. Krishna Balu Naukudkar, 2003(3) BCR 45, this petition is disposed off.

3. Needless to state, the impugned order and the orders in the proceedings impugned in this petition under the M.L.R. Code, would be subject to the result of Regular Civil Suit No.78/2017. All contentions of the parties are kept open.

(RAVINDRA V. GHUGE, J.)