IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14804 OF 2018
IN
WRIT PETITION NO. 2677 OF 2018

JALGAON ZILLA MARATHA VIDYA PRASARAK SAHAKARI SAMAJ LTD THROUGH DIRECTOR VIJAY BHASKARRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Applicant :
Miss P. S. Talekar i/b. M/s. Talekar and Associates
AGP for Respondents / State : Mr. K. B. Jadhavar
Senior Advocate for Respondent : Mr. V. D. Hon
...
WITH
CA/14806/2018 IN WP/2053/2018
...

CORAM: S. V. GANGAPURWALA &
A. M. DHAVALE, JJ.
DATE: 01st FEBRUARY, 2019

PER COURT :

1. The present civil applications are filed for substituting the name and designation of the person prosecuting the petitions on behalf of the petitioner – society.

2. Miss Talekar, learned Advocate for the applicant submits that the petitions were

presented through one Mr. Narendra Bhaskarrao Patil, he expired, and now it is decided by the petitioner that the writ petitions would be prosecuted by Vijay Bhaskarao Patil. In view of that, the necessary substitution is sought.

3. Mr. Hon, learned Senior Advocate for the respondent submits that the person who has filed the applications has no legal right, authority to present the applications. Neither the resolution has been passed in his favour by the general body nor he has power to file these applications in whatsoever capacity.

4. All these objections can be gone into at the time of hearing the writ petitions. The non-applicants certainly will have right to raise the objections with regard to the locus of the person prosecuting the writ petitions on behalf of petitioner – society. However, as there has to be some person to prosecute the petitions on behalf of the petitioner the present civil applications

are considered to that extent only.

5. Considering the above and without prejudice to the rights of the parties to agitate with regard to the locus of the present applicant, the civil applications are allowed to the extent that the petitioner is allowed to substitute the name and designation of the person prosecuting the petitions on behalf of the petitioner.

6. Civil Applications accordingly stand disposed of.

[A. M. DHAVALE, J.] **[S. V. GANGAPURWALA, J.]**

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