

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2642 OF 2019

Mr. Hitendra Sharma Petitioner

VERSUS

State of Maharashtra & ors. Respondents

Adv. Sumedha Rao for Petitioner.
Mr. C.D. Mali, AGP for Respondent No. 1 to 3.
Mr. S.K. Mali, Advocate for Respondent No. 6.

CORAM : S. S. SHINDE

DATED : 2nd May, 2019

P.C.

1. Heard learned counsel for parties. Admittedly, the petitioner was not a party before Respondent No. 2 in Appeal No. 155 OF 2018. However, the petitioner is affected by the order passed by Respondent No. 3. In that view of the matter, the petitioner would be entitled to apply before Respondent No. 2 to implead him as a party in Appeal No. 155 OF 2018.
2. Learned counsel appearing for the petitioner submits that, petitioner will file an application for impleading him as a party in Appeal No. 155 OF 2018 which is pending before Respondent No. 2 on or before 8th May 2019. In case such application is filed before Respondent No. 3, Respondent No. 2 to heard the petitioner and then pass the appropriate orders in appeal on its own merits and in accordance with law. Needless to observe

that all contentions raised on merits are kept open to be agitated by the parties before Respondent No. 2.

3. It is submitted by Learned counsel appearing for the petitioner that, Respondent No. 6 is taking policy decisions which would drastically affect the functioning of the society. Learned counsel appearing for Respondent No. 6 on instructions submits that no major policy decisions are being taken by Respondent No. 6.
4. Be that as it may, it would be open for the parties to raise an incidental issues before Respondent No. 2, during the course of hearing of the appeal. In case such issues are raised, Respondent No. 2 would be free to take an appropriate decision in that respect. In the light of above the writ petition stands disposed of.

[S.S. SHINDE, J.]