

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1160 OF 2003
(Dagdu Rambhaji Pagore deceased through L.Rs. and others Vs. Ismail Khan Haji Abdul and others)

Mr.M.R. Wagh, Advocate for the petitioners
Mr. Mukul S. Kulkarni, Advocate for respondent No.1
Mr. K.B. Jadhavar, A.G.P. for the respondent/State
Mr. P.V. Barde, Advocate for respondent No.3
Mr. R.S. Deshmukh, Senior Advocate for the applicant in
Civil Application No.10138/2016

CORAM : MANGESH S. PATIL, J.

DATE : 07.10.2021

PER COURT :

Pursuant to the order passed on the last date, the Registrar (Judicial) has submitted a report mentioning that in this writ petition, Mr. Wagh, learned Advocate is appearing for all the petitioners.

2. Today, once again learned Advocate Mr. G.N. Kulkarni submits that one of the petitioners namely Sominath Dagdu Pagore has engaged him. As can be seen from the report of the Registrar (Judicial), Mr. Kulkarni never seems to have approached him to enable him to ascertain if there is any substance in the submission of Mr. Kulkarni.

3. Learned Advocate Mr. Wagh submits that all the petitioners have jointly instructed him under their signatures/thumb impressions

directing him to withdraw the writ petition.

4. Though these written instructions bear some thumb impression against the name of petitioner Sominath Dagdu Pagore, there is no attestation, besides the dispute regarding authority to represent him.

5. In view of above, the writ petition to the extent of rest of the petitioners except petitioner Sominath Dagdu Pagore stands disposed of as withdrawn.

6. In view of disposal of the writ petition, all pending civil applications stand disposed of.

[MANGESH S. PATIL]
JUDGE

7. After dictating the above order in the first session, petitioner Sominath Dagdu Pagore seems to have sworn in an affidavit before the Section Officer of this Court and it is tendered across the bar by the learned advocate Mr. Wagh, confirming that he has authorised Mr. Wagh to represent him in the present proceeding.

8. By the earlier order, in view of the instructions of the rest of the petitioners, leave was granted to withdraw the Writ Petition and it was directed to be disposed of as withdrawn. Since there was dispute as regards appearance on behalf of petitioner Sominath Dagdu Pagore, in

view of his such affidavit now, the doubt gets cleared.

9. The learned advocate Mr. Wagh on behalf of petitioner Sominath Dagdu Pagore also makes a request that the Petition may be allowed to be withdrawn.

10. The Writ Petition even to the extent of petitioner Sominath Dagdu Pagore is dismissed as withdrawn.

[MANGESH S. PATIL]
JUDGE

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