

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

60 WRIT PETITION NO. 8011 OF 2021

**RAMKUNWAR KUNDANLAL GUPTA SINCE DEAD
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Advocate for Petitioner : Mr. S.S. Thombre.
AGP for Respondent Nos. 1 to 7 : D.R. Kale.

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.
DATED : 26.07.2021**

PER COURT :

Mr. Thombre, the learned Advocate submits that the respondent No. 2 had decided the proceedings filed by the present petitioner under its judgment and order dated 10.10.2018. In the Civil Court also the matter was settled amongst the parties.

2. Now present respondent No. 8 has filed an objection to the said judgment. The notices have been issued to the petitioners by the respondent No. 2. The learned counsel submits that the proceeding filed by respondent No. 8 is not in the nature of review. The respondent No. 2 cannot sit over its own order, still the notices are issued to the petitioners to appear in the matter. The respondent No. 2 does not have the powers of review, nor the proceedings filed by

respondent No. 8 are in the nature of the review. The respondent No. 2 does not have the jurisdiction to entertain the objection filed by the respondent No. 8 and to take up the proceedings.

3. We have also heard the learned AGP.

4. The respondent No. 2 has issued notice to the petitioners. The petitioners have every opportunity to appear before the respondent No. 2 and put forth their stand. The petitioners may raise all the points such as maintainability and jurisdiction of the respondent No. 2. The respondent No. 2 has to consider all the contentions raised by the petitioners and all the parties and then has to take a decision upon it.

5. As only notice has been issued by the respondent No. 2 and all contentions are open to be raised by the petitioners before respondent No. 2, we are not inclined to entertain the Writ Petition at present.

6. As the petitioners have opportunity to raise all their contentions including the maintainability of the objection and the jurisdiction of the respondent No. 2 to reconsider its judgment. We are at present not entertaining the Writ Petition.

7. In case, further orders are passed adverse to the interest of the petitioners, the petitioners will have a right to agitate.

8. Writ Petition, as such, is disposed of. All contentions are kept open. No costs.

(R.N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)