

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

LETTERS PATENT APPEAL NO. 268 OF 2010
IN
WRIT PETITION NO. 3088 OF 2005 (D)

Sanjay Lalbahadur Divedi,
..VS..
Shrikrishna Vyayam Shala and Ors.,

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Nobody for the appellant.
Shri P. S. Patil, Advocate for the respondent No.1.
Ms. H. N. Jaipurkar, A.G.P. for the respondent No.2.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 25th January, 2021

Nobody is present for the appellant.

2. Heard Shri Patil, learned counsel for the respondent No.1, who submits that this L.A.P. is not maintainable in view of the law settled by the Apex Court.

3. Heard Ms H. N. Jaipurkar, learned A.P.P. for respondent No.3, she submits that an appropriate order be passed in the matter.

4. The judgment challenged in this appeal is the one rendered by the learned Single Judge in exercise of the jurisdiction under Article 227 of the Constitution of India. When a impugned judgment is so, L.P.A. does not lie as the view taken by the Supreme Court in the Cases of *Jogendrasinghi Vijaysinghi Vs. State of Gujraht*, **AIR**

2015 SC 3623, Radhey Shyam and Anr., Vs. Chhabi Nath and Ors., (2015) 5 SCC 423 and Ram Krishn Fauji Vs. State of Haryana and Ors., (2017) 5 SCC 533, this law has been followed earlier by another Division Bench in the case of *Motilal S/o Khamdeo Rokde and Ors., Vs. Chandan Balkrishna Lokhande and Ors., decided on 01.12.2020*. Same is the fact situation of the present case and, therefore, this L.P.A. is not maintainable and is dismissed as such. No costs.

JUDGE

JUDGE

Kirtak