

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 WRIT PETITION NO.1542 OF 2023

POPAT RAMRAO EKSHINGE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Tapse Ashok Ramdhan
AGP for Respondents/State : Mr. P.K. Lakhotiya

CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.

DATE : 08.02.2023

PER COURT :

Heard the learned advocate for the petitioner.

2. The petitioner had filed a suit seeking right of preemption to be enforced against his father who has sold his share in the joint family property to his brother-respondent No. 4. The petitioner is aggrieved by the fact that the respondent No. 4 is now in the process of getting a letter of intent issued by a Petroleum Company-respondent No. 3 for setting up a petrol pump.

3. Admittedly, the suit was dismissed. But in first appeal the judgment of the trial court was reversed and the original defendant has now preferred a second appeal which is pending in this Court.

4. Needless to state that all the rights and disputes between the parties are *sub judice* before this Court in the second appeal. It is always open for the petitioner to seek appropriate remedy in the pending litigation which is a substantive proceeding. This Court in this petition under Article 226 of the Constitution of India cannot go into all these issues parallelly.

5. The Writ Petition is dismissed.
6. It is made clear that the petitioner may claim whatever reliefs he intends to have in the second appeal.

(S. G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)

mkd/-