

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 118 OF 2023

NAVNATH DEVRAO DEVGUDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....

Advocate for the Petitioner : Mr. M. K. Bhosale
APP for Respondent-State : Mr. P. K. Lakhotia
Advocate for Respondent No.5 : Mr. A. S. Londhe

.....

**CORAM : NITIN W. SAMBRE AND
S. G. CHAPALGAONKAR, JJ.**

DATED : 23 MARCH 2023

PER COURT :-

1. Heard.
2. The contentions of the counsel for the petitioner are that the appeal proceedings at the behest of respondent no.5 are pending on the file of respondent no. 2. According to him, not only respondent no.2, but the very inception of the proceedings are without jurisdiction and that being so, the appeal itself is not maintainable.
3. We are of the view that the issue of jurisdiction need not be looked into at this stage of the proceedings before this Court as we relegate the petitioner to respondent no.2, before whom the issue of

jurisdiction be decided by the said authority. The counsel for the petitioner is at liberty to place on record the written notes of arguments before respondent no.2 thereby demonstrating that the said authority lacks jurisdiction in the matter.

4. If such objection is raised, the same be decided in accordance with law.

5. The petition stands disposed off.

[S. G. CHAPALGAONKAR, J.]

[NITIN W. SAMBRE, J.]

vre