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915-WP-5522-1995

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

915 WRIT PETITION NO. 5522 OF 1995

Land Devt.co-operative Bank Thro.chairman.

VERSUS

Vithalrao Babanrao Marathe And Others.

WITH

CIVIL APPLICATION NO. 3440 OF 2005

IN WP/5522/1995

WITH

CIVIL APPLICATION NO. 3439 OF 2005

IN WP/5522/1995

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Ms. Rekha Mahale Choudhary h/f Mr. S. S. Choudhary, Advocate for the
Petitioner.

Mr. B. N. Patil, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 17th OCTOBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. This writ petition is admitted in 1995, and interim relief is granted vide order dated 3rd September 2007. The matter is admitted and stay is granted subject to deposit of the costs. Thus, there is stay granted to the impugned judgment and award.

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3. It is the case that the respondent had filed a dispute in 1985, that was allowed. The appeal of the society came to be dismissed and it is against that order the present writ petition is filed.

4. Thereafter, this Court passed an order dated 14th July 2003 directing to take steps against respondent No.1. However, no steps were taken. Notice of respondent No.3 was also returned unserved. Steps were directed to be taken to re-issue notice to respondent No.3, those were also not taken. The petition thus stood abated against Respondent No.1 and was dismissed for want of steps as against respondent No.3. Thereafter, Application came to be filed bearing Civil Application No. 3439 of 2005 for bringing the legal heirs of Respondent No.1 on record, that is also pending. One application bearing Civil Application No.3440 of 2005 was also filed for setting aside the Registrar's order. However, those are not proceeded as appeared from the record.

5. Today, the learned Advocate for the petitioner informs that she tried to contact the petitioner, and inspite of that, she could not get any instructions from the petitioner. Rule was granted on 7th June 1991. She

placed on record a copy of communication sent to the petitioner. The same is taken on record.

6. This Court thus finds that petitioner is not interested in prosecuting the writ petition. The writ petition stands dismissed for want of prosecution.

[KISHORE C. SANT, J.]