

SUPREME COURT OF INDIA

Dhonde Bajirao Balu

Vs.

Nandkumar Shrirang Jadhav

C.A.No.3736 of 2001

(Tarun Chatterjee and V.S. Sirpurkar JJ.)

21.01.2009

ORDER

1. It is an admitted position that the present appellants were not made parties to Writ Petition No.484/2000 although they were affected by the impugned judgment of the High Court. Therefore, impugned judgment of the High Court needs to be set aside merely on the said ground. The question of maintainability of the writ petition was also to be considered by the High Court.

2. In that view of the matter, keeping all question open, we set aside the impugned judgment of the High Court and send the matter back to it for a fresh consideration and decision after making the present appellants as parties to the writ petition. The High Court is requested to decide the writ petition after hearing the parties including present appellants within a period of six months from this date, without granting any unnecessary adjournment to either of the parties.

3. The Civil Appeal is accordingly disposed of with no order as to costs