

MPBalekar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5236 OF 2011

Sushilabai Raghunath Wani
(since deceased, through her legal heirs)
and Ors. ... Petitioners
V/s.
The Collector of Nasik and Ors. ... Respondents

**WITH
CIVIL APPLICATION (ST) NO. 27925 OF 2017
IN
WRIT PETITION NO. 5236 OF 2011
WITH
INTERIM APPLICATION NO. 1693 OF 2026
IN
WRIT PETITION NO. 5236 OF 2011**

Ms. Veena Thadhani a/w Rutuja Gaikwad for the petitioner.

Mrs. Ashwini A. Purav, AGP, for the State.

Ms. Meena A. Ruparel for the respondent No.4.

Mr. Pankaj Jagannath Das for the respondent No.5.

CORAM : AMIT BORKAR, J.

DATED : APRIL 8, 2026

P.C.:

1. The present writ petition arises from a dispute between Sushilabai and Shakuntalabai concerning CL-III Licence No. 24. The record indicates that an original partnership deed had been executed between Raghunath and Manohar. Upon subsequent changes, the said business arrangement was continued by

Sushilabai and her son Pandit Raghunath Wani [late Pandit Thorat (Wani)], wherein it was mutually agreed that late Pandit Thorat (Wani) would be entitled to 45 percent share in the profits.

2. It is further revealed that during the pendency of the present proceedings, as well as the writ petition, the respondent Nos. 4 & 5 arrived at consent terms in a civil suit. Under the said terms, it was agreed that 45 percent share in the profits shall be paid to the legal representatives of deceased late Pandit Thorat (Wani). This position however is disputed by respondent No.5.

3. However, having regard to the nature of the partnership deed executed between Sushilabai and late Pandit Thorat (Wani), it is evident that upon the death of one of the partners, the partnership stood dissolved by operation of law.

4. This Court, by its order dated 25 March 2026, directed the concerned authorities to take necessary steps for renewal of CL-III Licence No. 24. Pursuant thereto, it has been informed that the said licence has accordingly been continued.

5. It is also brought to the notice of this Court that during the pendency of the proceedings, Shakuntalabai, Ramchandra and Sham have preferred an application seeking transfer of the licence in their favour.

6. In view of the aforesaid factual position, and considering that the dispute in the present writ petition emanates from partnership rights which, upon the death of a partner, no longer subsist in the eye of law, this Court is of the considered opinion that the following directions would subserve the ends of justice:

- i. The Collector shall decide, within a period of eight weeks from today, the application filed by the legal representatives of Sushilabai and late Pandit Thorat (Wani) seeking transfer of the licence, in accordance with law.
 - ii. While deciding the said application, the Collector shall afford an opportunity of hearing to all concerned parties, including the legal representatives of Sushilabai and respondent No. 4.
 - iii. The Collector shall pass a reasoned order in accordance with law. In the event the order is adverse to any party, it shall be open to such aggrieved party to challenge the same before the appropriate forum.
 - iv. The order dated 25 March 2026 shall remain in operation for a further period of two weeks from the date of receipt of order passed by the Collector.
7. In view of the aforesaid directions, the writ petition stands disposed of.
8. In consequence of disposal of the writ petition, the interim application as well as the civil application do not survive and are accordingly disposed of.
9. All the contentions of respective parties are specifically kept open.

(AMIT BORKAR, J.)

Note :- This order is modified as per order dated 15 April 2026 passed on the praecipe for speaking to the minutes order dated 8 April 2026.