

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

**REVIEW APPLICATION NO. 133 OF 2015
IN
WRIT PETITION NO. 5500 OF 2003**

Linhaji s/o Kalidas Shinde & Ors. **PETITIONERS**

V E R S U S

The State of Maharashtra & Ors. **RESPONDENTS**

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Mr. S.B.Talekar, Advocate for Petitioners.

Mr. S.D.Kaldate, A.G.P. for R.No.1 – State.

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CORAM : A.V.NIRGUDE &

V.K.JADHAV, JJ.

DATE : 7th OCTOBER, 2015

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PER COURT :

1. Perused the application. Perused our earlier order.
2. Learned counsel for the petitioners urged the Court to withdraw the earlier order and reinstate the petition for decision on merits.
3. At the request of learned counsel for the petitioners, we perused the petition and found that there are several facts, which are apparently disputed by the parties and yet the petitioners have not filed any affidavit in re-joinder.

We set aside the earlier order dismissing the petition. The petitioners are directed to file individual affidavits in re-joinder. If such affidavit in re-joinder is not filed, adverse inference would be drawn against the individual petitioner.

4. Review Application is allowed.
5. Stand over for two weeks i.e. 21/10/2015.

[V.K.JADHAV, J.]

[A.V.NIRGUDE, J.]