

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

**REVIEW APPLICATION NO. 97 OF 2015
IN
WRIT PETITION NO. 5989 OF 2013**

Gram Panchayat, Mauje Waranga Phata
and another .. Applicants

Versus

Ramrao Keshavrao Kadam and others .. Respondents

Shri V. P. Latange, Advocate for Applicants.
Shri Mayur V. Salunke, Advocate h/f Shri V. D. Salunke,
Advocate for Respondent Nos. 1 to 3.
The Respondent Nos. 4 to 8 are served.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 12TH AUGUST, 2015.**

PER COURT :

. Mr. Latange, the learned counsel for review applicants submits that, on the basis of statement made by respondent Nos. 1 to 3 that all issues are framed, this Court disposed of the writ petition by directing the Trial Court to decide all the issues. According to the learned counsel on the said date when the matter was heard by this Court only preliminary issue was framed and all other issues were not framed. According to the learned counsel this is an error apparent on the face of record. As such, judgment needs to be reviewed.

2. Mr. Mayur Salunke, the learned counsel for respondent Nos. 1 to 3 submits that, inadvertently the said statement was made. It was a bonafide mistake on his part, however, subsequently the issues are framed and the plaintiffs have also tendered their examination in chief.

3. I have considered the submissions canvassed by the learned counsel for respective parties. No doubt, on the basis of the statement made by respondent Nos. 1 to 3/original petitioners, this Court disposed of the writ petition. In normal course, this Court would have reviewed the said order, however, it is not now disputed that, Trial Court has framed all the issues and even the examination in chief has been filed by plaintiffs and matter is now pending for cross examination of plaintiffs.

4. In the light of the above, I am not reviewing the order passed by this Court. Needless to say that, the Trial Court shall decide all issues including the preliminary issue about the maintainability while deciding the suit. The review application accordingly is disposed of. No costs.

[S. V. GANGAPURWALA, J.]