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

CIVIL REVISION APPLICATION NO.96 OF 2017

1. Ishwar Ramkisan Barwal,
Age: 53 years, Occ: Business,
R/o. Padampura, Aurangabad.
2. Gajanan Ramkisan Barwal,
Age: 53 years, Occ: Business,
R/o. Padampura, Aurangabad. ..APPLICANTS

VERSUS

Shamsunder Ramvilas Lakhotiya,
Age: 60 years, Occ: Medical
Practitioner, R/o. Wadwani,
Taluka Majalgaon, Dist. Beed. ..RESPONDENT

Mr S.V. Adwant, Advocate for applicants;
Mr Vikrant Palsikar, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 11th JULY, 2017

ORAL ORDER :

Based on the Division Bench judgment of this Court in the matter of **Chandu s/o Jagannath Ambekar and another vs Digambers/o Kisanrao Kulkarni and others** reported in **2004(4) Mh.L.J.69**, learned Counsel for the respondent raised preliminary objection as to tenability of the civil

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revision application.

2. Paragraphs-11, 13 and 14 of the said judgment are worth referring to.

3. Mr. Adwant, learned Counsel for applicants would invite attention of this Court to the order dated 18th April, 2017 passed in Writ Petition No.4281 of 2017, wherein writ petition preferred by the applicants was withdrawn with liberty to file civil revision application. It appears that the said order was passed without noticing the judgment in the matter of **Chandu s/o Jagannath Ambekar and another**, cited supra.

4. In view thereof, present civil revision application stands disposed of as not maintainable, in view of Division Bench judgment of this Court in the matter of **Chandu s/o Jagannath Ambekar and another**, cited supra.

5. Liberty to the applicants to apply for

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review of the order dated 18th April, 2017 passed in Writ Petition No.4281 of 2017 in view of above expressed view.

6. Amount of Rs.50,000/- deposited in this Court is permitted to be withdrawn by the respondent.

7. Interim order passed by this Court shall continue for a period of two weeks from today.

(N.W. SAMBRE, J.)

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