

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

**934 CIVIL APPLICATION NO. 5017 OF 2018
IN
WRIT PETITION NO. 159 OF 2016**

SHAIKH BISMILLAH SHAIKH NAWAB

VERSUS

SHAIKH ABDULLAH SHAIKH NAWAB

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Mr. Sk. Mujtaba Gulam Mustafa, Advocate for
Applicant.

Mr. Sk. M.Naseer, Advocate for Respondent.

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CORAM : V.L.ACHLIYA, J.

DATE : 13th APRIL, 2018

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ORAL ORDER :

1. The applicant has moved this application seeking recall of order dated 04/09/2017 passed in W.P. No. 159 of 2016 so as to enable him to convert Writ Petition as Civil Revision Application to challenge the impugned order.

2. On due consideration of the submissions advanced in the light of reasons assigned, I am of the view that no case is made out to entertain the application. The petitioner/applicant has remedy to file Civil Revision Application along with application for condonation of delay, if any, if the petitioner intends to challenge the order of

dismissal of Suit filed in the trial Court. In view of alternate remedy, I am not inclined to allow the application. All contentions are kept open.

3. Civil Application stands rejected. It is clarified that rejection of the application as well as dismissal of petition for want of availability of alternate remedy shall not come in the way of the petitioner to file Civil Revision Application against the impugned order.

4. Civil Application stands disposed of.

[V.L.ACHLIYA, J.]