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

WRIT PETITION NO. 2487 OF 2018

MAJID KHAN PATHAN KHAN PATHAN
VERSUS
AHMED KHAN MAHEBOOB KHAN

WITH

WRIT PETITION NO. 2505/2018

MAJID KHAN PATHAN KHAN PATHAN
VERSUS
ATAUL RAHEMAN FAZALE REHEMAN DIED LRS SHAFIY ABEE ATTAUL RAHEMAN AND OTHERS

AND

WRIT PETITION NO.2526/2018
MAJID KHAN PATHAN KHAN PATHAN
VERSUS
AJIJ UL REHMAN FAZLE RAHEMAN DIED LRS RABIYABI AZIJUL REHMAN AND OTHERS

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Advocate for the petitioners : Shri M.A.Manjramkar
Advocate for the respondent : Shri A.L.Shaikh h/f.Shri G.M.Patel.
AGP for Respondent/State : Shri S.K.Tambe

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**CORAM : RAVINDRA V. GHUGE, J.**
**DATED : 26th March, 2018.**

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**PER COURT :-**

1] In all these three petitions, the petitioners/plaintiffs are aggrieved by the order of the Trial Court insisting that the plaintiffs should lead evidence as the suits are above 6 years old.

2] Contention of the petitioners is that they intend to file an application under Order XVIII Rule 1 and 5 of the Code of Civil Procedure (for short 'the C.P.C.) seeking a direction from the Trial Court to order the defendants to lead evidence first. In the matter of ***Zainabee Vs. Shivkumar, W.P. No. 781 of 2003, decided on 15/09/2017***, this Court has taken a view that no such application can be made for seeking a direction to the other side to step into the witness box and lead evidence. Order XVIII Rule 1 of the C.P.C. only enables a particular litigant to file an application contending that he/she desires to lead evidence first.

3] At this juncture, learned advocate for the petitioner submits that he desires to withdraw these petitions on instructions.

4] Considering the above, these petitions are disposed of as withdrawn.

**(RAVINDRA V. GHUGE, J.)**

shp/-