

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

CIVIL APPLICATION NO. 4811 OF 2018
IN
WRIT PETITION NO.4477 OF 2016
WITH
WRIT PETITION NO.12846 OF 2016

GANGADHAR PIRAJI DHATRAT
VERSUS
VARNI GANGARAM SAYANNA DIED THROUGH LRS PRAMALABAI
VARNI GANGARAM AND OTHERS

...

Advocate for the Applicant : Shri Deshmukh Arvind.
Advocate for Respondent Nos.1/1, 1/2, 1/4 and 1/5 : Shri U.B.Bilolikar.
AGP for Respondent 2 : Shri P.M.Kulkarni.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 15th October, 2018

Per Court:

1 The learned Advocate for the Applicant/ Petitioner submits, on instructions from the Petitioner, who is present in the Court, that the Petitioner had filed RCS No.489/1984 on an incorrect legal advise. In fact, the judgment of the learned Maharashtra Revenue Tribunal should have been challenged before this Court, which is so done by Writ Petition No.12846/2016. It is, therefore, prayed that the Applicant/ Petitioner be permitted to withdraw Writ Petition No.4477/2016 as well as RCS No.489/1984 and prosecute the remedies available to the Petitioner in

Writ Petition No.12846/2016.

2 The learned Advocate for the Respondents submits that without prejudice to their rights and contentions to be raised in the subsequent writ petition, appropriate orders may be passed.

3 In view of the above, this Civil Application is allowed. Writ Petition No.4477/2016 stands disposed of as being infructuous. The Trial Court shall pass appropriate orders to dispose of RCS No.489/1984 as withdrawn.

4 Considering that the litigation between the parties dates back to the order of the learned Maharashtra Revenue Tribunal dated 31.03.1980, list Writ Petition No.12846/2016 for hearing at admission stage on 03.12.2018.

kps

(RAVINDRA V. GHUGE, J.)