

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7564 OF 2018
IN
WRIT PETITION NO. 10430 OF 2017

SUBHASH RAMRAO JADHAV AND OTHERS
VERSUS
MOHAMMAD HAMEEDUDDIN S/O. BASHEERUDDIN
(DIED) THROUGH HIS L.R.S. AND OTHERS

Advocate for Petitioner : Mr. S.S. Gangakhedkar.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 22nd June, 2018

PER COURT :

1. The Applicants are original Petitioners in Writ Petition No. 10430/2017. It is prayed that though the said Writ Petition has been disposed of by order dated 28/08/2017, by entertaining prayer clause 'C' put forth by the Petitioners, it is now submitted that the Petition may be treated as withdrawn to the extent of prayer clause 'B'.

2. I find that in prayer clause 'B' of the Petition, these Petitioners had prayed for quashing the order dated 07/05/2016, below Exhibit 156 delivered in R.C.S. No. 1007/1989. It was not brought to the notice of this Court that Miscellaneous Civil Appeal No. 42/2016 was pending for challenging the same order along with the order passed on

Application Exhibit 226. Even in the Petition, in paragraph No. 19, it is stated by the Petitioners that they have not filed any Petition or proceeding before any other Court with regard to the same subject matter in the proceeding.

3. Considering the above, I do not find that this Civil Application can be entertained as it would lay down a wrong precedent by which litigants will first file the Petition and take a chance in the Court and if the Petition is rejected, they will move a Civil Application for withdrawal of Petition. As such this Civil Application is rejected.

(RAVINDRA V. GHUGE, J.)

S.P.C.