

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

WRIT PETITION NO. 11857 OF 2018

VISHWANATH MARUTI UNDE AND ANOTHER
VERSUS
KAMAL BAAP UNDE AND OTHERS

...
Advocate for the Petitioners : Shri Ostwal Abhaykumar D.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 23rd October, 2018

Per Court:

1 Leave to replace the documents under objections with typed
copies.

2 I have heard the learned Advocate for the Petitioners.

3 The only grievance of the Petitioners is that on 11.06.2018
the Trial Court has *suo moto* deleted Issue No.1 framed on 17.11.2017. It
is stated that neither the Petitioners, who are the original Defendant Nos.3
and 4, nor the Plaintiffs were heard when the Trial Court *suo moto* deleted
the said issue.

4 Considering the above, I find that it would be appropriate to
allow these Petitioners to approach the same Court with an application for
recalling of the order dated 11.06.2018 and for hearing the litigating sides
in the event the Trial Court desires to recast the issue. If such an

application is filed within a period of four weeks from today, the Trial Court would consider the said application on its own merits after hearing the litigating sides.

5 This Writ Petition is, therefore, disposed of with the aforesaid liberty.

kps

(RAVINDRA V. GHUGE, J.)