

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

WRIT PETITION NO. 13793 OF 2018

Mohammad Taher Abdul Rauf

... Petitioner

Versus

Shaikh Ajim Shaikh Ajij
& others

... Respondents

Mr. V.P. Patil, Advocate for the Petitioner.

Coram : N.M. Jamdar, J.

Date : 12 December 2018

Per Court :

1. Learned counsel for the petitioner, after arguing the matter for some time, seeks leave to withdraw the petition as he states that he will apply to the learned Civil Judge to point out that the petitioner had not made any request for framing any additional issue in respect of the sale-deed but had only asked for recasting of issue regarding limitation and, the learned Civil Judge has recasted the issue *suo motu*.

2. In view of this position, since the petitioner seeks to apply

to the learned Civil Judge for recalling the order, the writ petition stands disposed of.

3. As far as the issue of limitation is concerned, that being the question of jurisdiction of the Court, the learned Civil Judge, irrespective of the manner in which the issue is framed, will have to consider the same as per the provisions of the Limitation Act.

N.M. Jamdar, J.