

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

WRIT PETITION NO.367 OF 2016

SHIVNATH BAPU MARKALI
VERSUS
BAPU DHONDIRAM @ DHONDIBA MARKALI AND OTHERS

...

Advocate for the Petitioner : Shri Pathan Zafar M.
Advocate for Respondent 5 : Shri H.D.Deshmukh.
Advocate for Respondents 11 and 12 : Shri Narwade Narayan B.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 23rd January, 2019

Per Court:

1 This matter was heard for quite sometime.

2 It was made clear that while deciding this petition, this Court will have to deal with the rival submissions with regard to the sale deed dated 07.06.1968 being questioned in the suit in 2014 and that would invite certain observations.

3 The learned Advocate for the Petitioner submits, on instructions, that the Petitioner desires to withdraw this petition.

4 In view of the above, this Writ Petition is disposed of as withdrawn.

5 Needless to state, if the parties desire to lead evidence on the preliminary issues framed, they will always be at liberty to do so in the

suit. The Trial Court shall decide the preliminary issues on their own merits without being influenced by any observation of this Court.

kps

(RAVINDRA V. GHUGE, J.)