

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

**CIVIL APPLICATION NO.1729 OF 2019
IN
WRIT PETITION NO. 4013 OF 2015**

**ASHOK CHANDMAL LODHA AND OTHERS
VERSUS
MAHESH RAMKRISHNA PATIL DESHPANDE AND ANOTHER**

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Advocate for the Applicants : Shri G. K. Naik (Thigle)

Advocate for Respondent No. 1 : Shri B. S. Shinde

Advocate for Respondent No. 2 : Shri N. L. Jadhav

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 4th February, 2019.

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PER COURT :

1. I have heard the learned Advocate for the applicants.
2. The request made has the semblance of a motion for speaking to the minutes of the order dated 18/12/2018 passed in Writ Petition No. 4013/2015.
3. On 18/12/2018 this Court had passed the following order :-

"This matter was not on the Board and it was mentioned at 10.30 AM that the Petitioners desire to withdraw this petition on account of being infructuous.

2. *Considering the above, this Writ Petition is disposed of as withdrawn as being infructuous".*

4. These petitioners made an application before the Appellate Court seeking addition in the pending Regular Civil Appeal No. 253/2013. Said application was rejected by order dated 01/07/2014 and these petitioners approached this Court. Before this petition could be decided, RCA No. 253/2013 was disposed off and Special Civil Suit No. 93/2011 was restored before the Trial Court. In this backdrop, the petitioners realized that their petition had become infructuous and sought an order of disposing off the petition. It was, however, not pointed out that the rights available to the petitioners in law be kept open.

5. In view of the above, this C.A. is disposed off by adding the following sentence to the order dated 18/12/2018 below paragraph 2 :-

"The rights of the petitioners as may be permissible in law, are kept open."

(RAVINDRA V. GHUGE, J.)

shp/-