

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

**WRIT PETITION NO. 7172 OF 2019**

**ADHIKAR BHAGWAN PATIL  
VERSUS  
SURESH PANDHARINATH JOSHI AND OTHERS**

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Advocate for the Petitioner : Shri S. V. Natu  
Advocate for Respondent No. 1 : Shri A. D. Shinde h/f.  
Shri V. A. Pawar & Shri P. B. Salunke

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**CORAM : RAVINDRA V. GHUGE, J.**

**DATED : 3<sup>rd</sup> AUGUST, 2019.**

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***PER COURT :***

1. This matter was heard for some time. The learned Advocate for the petitioner sought a pass over to take instructions. When again called out, he submits on instructions that the petitioner desires to withdraw this petition with a request that the order closing his evidence passed on 17/06/2019 by the Trial Court, may be set aside.

2. The learned Advocate for the respondents is agreeable on the condition that the time frame given by this Court earlier should be strictly adhered to by the petitioner.

3. In view of the above, this petition is disposed off as withdrawn. The next date before the Trial Court is posted on 08/08/2019 as it is informed that the matter is on board before the learned Civil Judge Senior Division, Jalgaon.

4. The petitioner original defendant No.5 shall file a formal application on 08/08/2019 before the Trial Court for recalling of the order dated 17/06/2019. None of the parties to the proceedings shall oppose. The Trial Court shall pass a formal order of recalling the earlier order dated 17/06/2019 and the petitioner shall immediately commence the recording of his examination-in-chief, in whichever form.

5. The Trial Court shall proceed with the said suit so as to be adjudicated upon within the time frame as is granted by this Court earlier and the parties shall fully cooperate.

**(RAVINDRA V. GHUGE, J.)**

shp/-