

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

CIVIL REVISION APPLICATION NO. 50 OF 2021

Mohd. Shafiuddin s/o Mohd. Qamruddin
and anr.

.. Applicants

Versus

Sayed Sadroddin s/o Sayed Dastgir
Hashmi and ors.

.. Respondents

Mr G.R. Syed, Advocate for applicants

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 13th July 2021

PER COURT :

1. Mr G.R. Syed, learned Advocate for the revision petitioners, on instructions seeks leave to withdraw this Civil Revision Application with further prayer to issue certain directions to trial Court to consider issue of *res judicata*.
2. Leave granted.
3. Civil Revision Application stands disposed of as withdrawn.
4. Learned Civil Judge, Senior Division at Udgir, District Latur is hereby directed to frame issue of *res judicata* and decide the same on the basis of evidence to be adduced by both the sides since it is a mixed question of law and facts.
5. No order as to costs.

(SHRIKANT D. KULKARNI, J.)

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