

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

**CIVIL APPLICATION NO.2332 OF 2021
AND
WRIT PETITION NO.4691 OF 1996**

Nathu Nilkanth Patil,
since deceased through his L.Rs.

1A] Kesharbai Nathu Patil,
Age : 90 years, Occ. Household,
r/o. Vanaval, Taluka-Shirpur,
Dist. Dhule
and others.

..Applicants

Vs.

Kantilal Zipru Jain,
Since deceased through L.Rs.

Pradip Leelachand Jain,
Age:59 years, Occ. Nil,
r/o. Jain Galli, Upper Town,
Shirpur, Tq. Shirpur,
Dist. Dhule
and others

..Respondents

Mr.Subodh P. Shah, Advocate for applicants
Mr.G.V.Wani, Advocate for respondent 1(i)

**CORAM : R.G. AVACHAT, J.
DATE : MARCH 09, 2021**

ORDER :-

This application has been moved by the legal
representatives of original petitioner in Writ Petition No.4691 of

1996. The applicants hereby seek permission to withdraw the Writ Petition (4691 of 1996) unconditionally.

2. For unconditional withdrawal of a Writ Petition, permission of the Court is not necessary. Learned Registrar (Judicial) of this Court has verified and found that the legal representatives of the original petitioner seek withdrawal of the Writ Petition voluntarily. The Writ Petition has been directed against the judgment and order dated 02.09.1992 passed by the Tahsildar-cum-A.L.T., Shirpur, confirmed by the Sub Divisional Officer, Dhule, in Tenancy Appeal No.7 of 1992 and further confirmed by the Maharashtra Revenue Tribunal in Tenancy Appeal No.69 of 1994 on 29.07.1993 and 22.02.1996, respectively.

3. Tenancy Case No.20 of 1992 was preferred by Kautik Ragha Patil and Nathu Nilkanth Patil. The applicants herein are the legal representatives of Nathu Nilkanth Patil, petitioner in Writ Petition No.4691 of 1996. On 02.09.1992, the Tahsildar-cum-A.L.T., Shirpur, decided the said proceedings against both

Kautik and Nathu. It further held that the landlord would be entitled for possession of the land Gut Nos.26 and 32. The Tahsildar-cum-A.L.T., Shirpur, directed to handover possession of the said lands to the landlord.

4. Said decision of Tahsildar-cum-A.L.T., Shirpur, was challenged in Tenancy Appeal No.7 of 1992 by Nathu Nilkanth Patil alone. Kantilal Zipad Jain and Ragho Chimana Patil were respondents in the said appeal. Said appeal came to be dismissed on 29.07.1993. It was Nathu Nilkanth Patil alone, who challenged said decision before the Maharashtra Revenue Tribunal. He was, however, unsuccessful therein. He, therefore, preferred Writ Petition (4691 of 1996). On his demise, present applicants came on record of the Writ Petition as his legal representatives and seek permission to withdraw the Writ Petition.

5. It is stated to be a case of joint tenancy. Neither Kautik Ragha Patil nor Ragho Chimana Patil have ever challenged the decision of the A.L.T. dated 02.09.1992. It is

informed that both of them have not been in picture since then. In the aforesaid backdrop, the applicants are permitted to seek withdrawal of the Writ Petition. Disposal of the Writ Petition as withdrawn may not affect the rights, if any, of Kautik Ragha Patil or Ragho Chimana Patil.

6. Civil Application for withdrawal of Writ Petition is allowed. Writ Petition No.4691 of 2021 stands disposed of as withdrawn.

[R.G. AVACHAT, J.]

KBP