

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

**CIVIL APPLICATION NO.9117 OF 2022
IN WP/8450/2018
WITH
WP/8450/2018**

**SYED JAINODDIN NIYAJODDIN AND ANOTHER
VERSUS
SYED SHAFIYUR RAHEMAN ATAUR RAHEMAN KAZI AND OTHERS**

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Advocate for Applicants : Mr. S. S. Kazi
AGP for Respondents - State : Mr. P. G. Borade
Advocate for Respondent no.1 : Mr. S. V. Jadhwar h/f. Mr. S.S. Thombre
Advocate for petitioner in WP/8450/2018 : Mr. H. V. Tungar

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CORAM : MANGESH S. PATIL, J.

DATED : 08 JULY 2022

PER COURT :

This is an application filed by the original respondent nos.1 and 3 from the writ petition, which takes exception to the order passed by the Divisional Commissioner in a proceeding under section 258 of the Maharashtra Land Revenue Code, 1966, which originates in the form of an appeal under section 247 of the Code preferred by the present applicants along with one Nurunnissabegum.

2. The applicants now by way of this application submit that the appeal was arising out of a mutation entry no. 6157 and they intend to withdraw that appeal.

3. They may withdraw it.
4. However, Ms. Nurunnissabegum, who was one of the appellants along with applicants, who was arrayed as respondent no.2 in the revision is not a party to the present application. Even it has been informed that she is no more.
5. The fact remains that it was a joint appeal by three persons and present application has been moved only by two of them perhaps because they have lost interest.
6. The appeal cannot be withdrawn only by some of the appellants as it was a joint appeal. The application is disposed of.
7. The petitioners may take appropriate steps in respect of deceased respondent no.2 - Nurunnissabegum from the writ petition.
8. Time to carryout amendment in respect of petitioner no.3E for bringing on record the LRs. of petitioner no. 3E is extended till next date.
9. List the writ petition on 05-08-2022.

(MANGESH S. PATIL, J.)