



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10939 OF 2023
WITH
WRIT PETITION NO.10940 OF 2023

Rajaram Malhari Aware
since deceased through legal heirs
Anusaya Rajaram Aware
since deceased through legal heirs
Ramchandra Rajaram Aware & Ors.

...Petitioners

Versus

Anna Eshwara Aware
since deceased through legal heirs
Sumitra Anna Aware & Ors.

...Respondents

Mr. Pradeep Gole, for the Petitioners.

Mr. Vishwanath Talkute, for Respondent Nos.1(a) and 1(b).

CORAM : MADHAV J. JAMDAR, J.
DATED : 18th OCTOBER 2023

P.C. :

1. At the outset, Mr. Talkute, learned counsel appearing for Respondent Nos.1(a) and 1(b) raises the objection to the maintainability of the Writ Petition on the ground that there is alternate remedy of Revision under Section 157 of the Maharashtra Land Revenue Code.

2. In view of said objection, Mr. Pradeep Gole, learned counsel

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appearing for the Petitioners seeks withdrawal of the Writ Petitions with liberty to adopt alternate remedy.

3. Accordingly, leave to withdraw the Writ Petition for adopting alternate remedy is granted.

4. Time spent in prosecuting this Writ Petition be inter alia taken into consideration while considering delay condonation application in adopting alternate remedy.

5. The Writ Petitions are disposed of in above terms with liberty as prayed aforesaid.

6. It is made clear that this Court has not considered the merits and all the contentions on merits are expressly kept open.

[MADHAV J. JAMDAR, J.]