



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1316 OF 2024

Deepa Shrikrushna Meshram and others

-Vs.-

Rajesh Sopan Waghdhare and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.Anurag Mankar, counsel for the petitioners.
Mr.A.P.Kalmegh, counsel for respondent No.1.
Ms Mayuri Deshmukh, AGP for the respondent Nos.2 and 3.

CORAM : B. P. DESHPANDE, J.

DATE : 4TH MARCH, 2024

P.C.

After hearing the matter for some time, the learned counsel for the petitioners seeks liberty to withdraw the present petition. However, he would submit that the learned Trial Court in the impugned order framed issues and more specifically Issue No.1 and answered it in negative, though finally observed that the application filed under Section 151 of the Code of Civil Procedure to recall the judgment and award in Land Acquisition Case No.464 of 212, is not maintainable.

2. On perusal of the impugned order, it is clear that observations of the learned Trial Court are basically with regard to the maintainability of the application under Section 151 of the Code of Civil Procedure. It is therefore clarified that right for the petitioners to raise such grounds,

which are found in Issue No.1 would be kept open, if the petitioners wish to challenge such judgment and award before the appropriate forum.

3. With theses observations, the petitioners are permitted to withdraw the present petition. Accordingly, the petition stands disposed of as withdrawn.

JUDGE