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22-CA-4306-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 CIVIL APPLICATION NO. 4306 OF 2025
IN WP/92/2025

Uttam Kisanrao Shinde
VERSUS
Mohamed Ljaj Abdul Khaled And Others
WITH
WRIT PETITION NO. 92 OF 2025

...

Mr. S. S. Jaganda h/f Mr. S. A. Deshmukh, Advocate for Applicant.
Mr. P. D. Patil, AGP for Respondent-State.
Mr. V. A. Bagadiya Advocate for Respondent No.2 and 3 in WP.
Mr. D. S. Kulkarni, Advocate for Respondent Nos. 8 to 10 in WP.

CORAM : KISHORE C. SANT, J.

DATE : 21st APRIL 2025

PC :-

1. This application is moved for recall of the order dated 3rd February 2025. So far as the clause (2) of the said order is concerned, by the said clause, this Court has called for record and proceeding. It is the submission of the learned Advocate for the petitioner that since the record and proceeding itself is called, the proceeding of the suit is stayed. He, therefore, seeks recall of the said clause.

2. Learned Advocate Mr. Kulkarni informs that this Court has specifically called for record and proceeding, as it is necessary for the purpose of deciding the petition. He submits that the trial Court even is not issuing the certified copy of the Commissioner's Report and it is in that view the record is called.

3. In view of the submission, this Court does not find any reason to recall the order. The Court has specifically called for record and proceeding. No case is made out to recall the order. Civil application is, therefore, disposed off.

4. The trial Court to ensure that the record and proceeding in RCA No. 1331 of 2022 from the Court of learned 2nd Joint Civil Judge Senior Division, Aurangabad, is received in the office of this Court prior to 13th June 2025, place the petition on board dated 18th June 2025, in urgent category.

[KISHORE C. SANT, J.]