

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.5639 OF 2015
(WAJRACHAND GAUTAMCHAND JAIN AND OTHERS VS. M/S
TIRUPATI LAND DEVELOPERS AND BUILDERS AND OTHERS)
WITH
WRIT PETITION NO.5640 OF 2015
(WAJRACHAND GAUTAMCHAND JAIN AND OTHERS VS. M/S
TIRUPATI LAND DEVELOPERS AND BUILDERS AND OTHERS)
WITH
WRIT PETITION NO.5641 OF 2015
(WAJRACHAND GAUTAMCHAND JAIN AND OTHERS VS. M/S
TIRUPATI LAND DEVELOPERS AND BUILDERS AND OTHERS)
WITH
WRIT PETITION NO.5642 OF 2015
(WAJRACHAND GAUTAMCHAND JAIN AND OTHERS VS. M/S
TIRUPATI LAND DEVELOPERS AND BUILDERS AND OTHERS)
WITH
WRIT PETITION NO.5643 OF 2015
(WAJRACHAND GAUTAMCHAND JAIN AND OTHERS VS. M/S
TIRUPATI LAND DEVELOPERS AND BUILDERS AND OTHERS)
WITH
WRIT PETITION NO.5644 OF 2015
(WAJRACHAND GAUTAMCHAND JAIN AND OTHERS VS. M/S
TIRUPATI LAND DEVELOPERS AND BUILDERS AND OTHERS)
WITH
WRIT PETITION NO.5645 OF 2015
(WAJRACHAND GAUTAMCHAND JAIN AND OTHERS VS. M/S
TIRUPATI LAND DEVELOPERS AND BUILDERS AND OTHERS)
WITH
WRIT PETITION NO.5646 OF 2015
(WAJRACHAND GAUTAMCHAND JAIN AND OTHERS VS. M/S
TIRUPATI LAND DEVELOPERS AND BUILDERS AND OTHERS)
WITH
WRIT PETITION NO.5647 OF 2015
(WAJRACHAND GAUTAMCHAND JAIN AND OTHERS VS. M/S
TIRUPATI LAND DEVELOPERS AND BUILDERS AND OTHERS)

Mr.R.N.Dhorde, Senior Counsel h/f Mr.V.N.Shelke, Advocate for the
petitioners.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 01/07/2015

PER COURT :

1. Mr.R.N.Dhorde, learned Senior Advocate with learned Advocate Mr.Shelke submits on instructions that the issue raised in these petitions has been considered by the State Consumer Forum in Appeal No.375/2013, decided on 30/06/2015. The State Forum has concluded that the District Consumer Disputes Redressal Forum does not have the jurisdiction to deal with such cause of action, which is similar to the objections raised by these petitioners before the Consumer Forum, which has led to the impugned order dated 16/04/2015.

2. It is further submitted that the Apex Court in the case of Ganeshlal Vs.Shyam 2013 STPL(Web) 892 SC, in a similar situation, has dealt with the jurisdiction of the District Consumer Redressal Forum and maintainability of a complaint.

3. It is, therefore, submitted on instructions that the petitioners desire to withdraw these petitions and prefer an application before the District Consumer Disputes Redressal Forum in the light of the

judgment of the State Consumer Commission dated 30/06/2015 in F.A.No.375/2013, which is delivered after the filing of these petitions.

4. In the light of the above, these petitions are dismissed as withdrawn since the petitioners desire to file a fresh application before the District Consumer Forum, as stated above.

5. In the event, such an application is filed within two weeks from today, the District Consumer Disputes Redressal Forum, Aurangabad shall decide the said applications, after hearing all the respondents, on its merits and in accordance with Law within 4 weeks thereafter.

(RAVINDRA V. GHUGE, J.)