

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

WRIT PETITION NO. 9104 OF 2013

The Nanded District Central Co-Operative
Bank Ltd., Nanded.
Through it's Authorised Officer.

...Petitioner

versus

The Divisional Manager,
New India Assurance Company, Ltd.,
Divisional Office, Lahoti Complex,
Wazurabad, Nanded.

...Respondents

.....
Mr. K. J. Suryawanshi, Advocate for petitioner.
Mr. A. B. Kadethankar, Advocate for respondent.
.....

CORAM : N.W. SAMBRE, J.

DATED : 7TH JANUARY, 2015

PER COURT :

. Learned Counsel for the petitioner submits that the order dated 20/02/2013 passed in First Appeal No. A/1378/2008 preferred by the petitioner, before Maharashtra State Consumer Dispute Redressal Commission, Mumbai, Circuit Bench, Aurangabad, dismissing in default the appeal of present petitioner, may be set aside in view of judgment of this Court in the matter of Maharashtra University of *Health Sciences, Nashik vs. Sachin Manohar Nagpure and others* reported in **2013 (5) Mh.L.J. 472.**

2. Learned Counsel for the respondent submits that the petition is not tenable as alternative remedy is available.

3. Having considered the law cited in the judgment referred supra, it will appropriate to quash and set aside the order impugned subject to payment of costs of Rs.3000/- (Rs. Three thousand only) before the Maharashtra State Consumer Dispute Redressal Commission, Mumbai, Circuit Bench, Aurangabad, within a period of three weeks from today. Payment of costs is condition precedent. Parties agree that they shall appear before the Maharashtra State Consumer Dispute Redressal Commission, Mumbai, Circuit Bench, Aurangabad, on 02/02/2015. The writ petition is allowed to above extent.

[N.W. SAMBRE, J.]