

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3463 OF 2015**

Ashok Atmaram Deshmukh

..Petitioner

Vs.

Ganpat Co-operative Housing Society Ltd & Ors

..Respondents

Mr. K. Y. Mandlik i/b Mr/ Dnyaneshwar Jadhav for the Petitioner

**Mr. V. A. Thorat Senior Advocate with Mr. S.B.Pawar and Ms Swati Sawant
i/b M/s. S. K. Legal for the Respondent No.18**

CORAM : R. M. SAVANT, J.

DATE : 29th APRIL, 2015

P.C.

1 The Petitioner had earlier filed Writ Petition No. 3895 of 2014, challenging the same order which the Petitioner has withdrawn on instructions. The learned Single Judge of this Court in the order dated 13-2-2015 has recorded that the Petition is being withdrawn as the Petitioner has already invoked appropriate remedy. However the filing of the present Petition is sought to be justified on the basis of the observations which have been made in the later part of the order wherein the Learned Judge has observed thus “also seeks liberty to file Writ Petition if so instructed in accordance with law”. In my view the said observations can hardly justify the filing of a fresh Petition on the same cause of action when the earlier Petition has been withdrawn. There are no change in circumstances to justify the filing of the above Writ Petition. The above Petition is obviously not maintainable and is dismissed on the said ground.

[R.M.SAVANT, J]