

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7396 OF 2015

Shri Kishore Ganpat Vaity	...	Petitioner
V/s.		
State of Maharashtra & anr.	...	Respondents

Ms. Anusha P. Amin i/b. Sandesh D. Patil for the petitioner.
Mr. Vikas Mali, AGP for the State.

**CORAM : NARESH H. PATIL AND
S.B. SHUKRE, JJ.**

10th August, 2015.

P.C.

Learned Counsel for the petitioner submits that parties entered into a compromise in Civil Suit No. 65/1987 pending before the Civil Judge, Senior Division, Thane. It is submitted that one Ganpat Mavalya Vaity expired. Petitioner claims to be his legal heir. It is alleged that without bringing the legal representatives of deceased Ganpat on record, the parties have entered into a compromise which is not binding on the petitioner. The petitioner raised objection to the development of the property by the concerned developer.

2. We have perused the record placed before us. The petitioner will have to establish his locus first. Disputed questions of facts are raised in this petition. The petitioner raised issues about the civil proceedings.

3. In this view of the matter, we are of the opinion that petitioner may

resort to alternate remedy as may be available in law. By keeping all issues on merits open, writ petition is disposed of.

(S.B. SHUKRE, J.)

L.S. Panjwani, P.S.

(NARESH H. PATIL, J.)