

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

WRIT PETITION NO.11414 OF 2014

Santosh Shankar Mane

...Petitioner

vs.

Anup Deepak Wetam & Ors.

...Respondents

...

Mr. Rahul Walvekar i/b Mr. Shrikant H. Yadav for the petitioner.

Mr. Nikhil Mehta i/b KMC Legal Venture for respondent No.2.

...

CORAM : R. M. BORDE, J.

DATE : 22nd SEPTEMBER, 2016.

P.C. :

. The learned counsel appearing for the respondent objects to the maintainability of the writ petition on the ground of availability of alternate remedy provided under section 173 of the Motor Vehicles Act, 1988. The petitioner herein presented a motor accident claim before the Motor Accident Claim Tribunal. The claim petition presented by the petitioner came to be dismissed for want of prosecution. On dismissal of the claim petition, a bill of cost is prepared. According to learned counsel appearing for respondent, final order passed by the Tribunal dismissing the claim petition is appealable under section 173 of the Motor Vehicles Act, 1988 and as such the instant writ petition is not maintainable.

2. Learned counsel appearing for the petitioner on instructions seeks leave to withdraw the petition with liberty to avail of a remedy available in law. Leave granted with liberty as prayed for. Writ Petition stands disposed of as withdrawn with liberty to avail of alternate remedy

available in law. On presentation of appeal as provided under Motor Vehicles Act, 1988 and at the stage of consideration of application seeking condonation of delay it would be open for the petitioner to urge the Court to consider the aspect of time spent in prosecuting the remedy of writ petition before this Court.

(R. M. BORDE, J.)