

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7798 OF 2012**

Shri Subhash Vithal Kore

....Petitioner

versus

The State of Maharashtra and ors.

...Respondents

Mr. A. M. Joshi, advocate for the petitioner.

Mr. P. G. Sawant, AGP for the State.

Mr. R. T. Yadav i/b. Mr. A. H. Patangare, advocate for respondent Nos. 3 and 4.

Mr. Kiran S. Bapat i/b. Mr. U. R. Agandsurve, advocate for respondent No.5.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATE : 14th JUNE, 2016.

P. C. :

Heard learned counsel for the respective parties.

2. In respect of the reliefs sought in the present petition, the petitioner has already filed regular civil suit No.794 of 2009 in the Court of Civil Judge, Senior Division at Solapur. The said suit is pending. The petitioner filed an application at "Exhibit 5" for interim injunction seeking to restrain the concerned respondent from promoting respondent Nos. 5 and 6. This injunction application is rejected and the petitioner has already filed miscellaneous appeal before the lower

appellate Court and the same is pending. Since the petitioner has adopted an alternative remedy by filing suit, we are not inclined to entertain this petition in exercise of jurisdiction conferred upon this Court under Article 226 of the Constitution of India. The petition is, accordingly, dismissed.

3. However, in the interests of justice, the learned Civil Judge, Senior Division, Solapur is directed to expedite the hearing of regular civil suit No.794 of 2009.

(ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]