

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2785 OF 2013

Naresh Lachmandas Aswani	}	Petitioner
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Karl Tamboly i/b. Mr. Shafia Siddique
for the petitioner.

Mr. M. P. Jadhav - AGP for respondent
no. 1.

Mr. Jagdish G. Aradwad (Reddy) for
respondent no. 2.

Mr. Sanmish Gala i/b. M/s. Markand
Gandhi and Co. for respondent no. 3.

Dr. Birendra Saraf with Ms. Natasha
Wadia i/b. M/s. Hariani and Co. for
respondent no. 4.

Mr. Mahesh Mishra i/b. Mr. Ravi
Thankaian for respondent no. 6.

**CORAM :- S. C. DHARMADHIKARI &
A. A. SAYED, JJ.**

DATED :- MARCH 9, 2016

P.C. :-

Having heard the petitioner's advocate, we recall our
order passed in the morning session dismissing the writ petition
for default.

2) We have perused, with the assistance of the petitioner's advocate, the order and direction of the High Power Committee, impugned in this writ petition.

3) The learned counsel appearing for the petitioner does not dispute that the petitioner had filed a suit in the City Civil Court, but the City Civil Court has proceeded to dismiss it. Thereafter, a First Appeal is filed in this court by the petitioner and that is pending.

4) In the light of the pendency of the First Appeal and the dispute involved being essentially of fact incapable of resolution in our limited writ jurisdiction, we cannot entertain the writ petition. The writ petition is dismissed by clarifying that all contentions and of all parties are kept open for being raised in appropriate proceedings.

(A.A.SAYED, J.)

(S.C.DHARMADHIKARI, J.)