

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Writ Petition No.5082/2014

(Kaushal Rajnikant Trivedi .vs. Smt. Jyoti Ramesh Jawahirani and others.)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders or directions
 and Registrar's orders

Court's or Judge's orders.

Petitioner in person.

Mr. A.S. Dabadghao, Advocate h/f Mr. D.V. Chauhan, Advocate for
 Respondent Nos. 1 to 3.

Mr. S.K. Mishra, Senior Advocate with Mr. Deogade, Advocate for
 Respondent No.4.

CORAM : B.R. Gavai & P.N. Deshmukh, JJ.

DATED : February 15, 2016.

Mr. S.K. Mishra, learned senior counsel appearing on behalf of respondent No.4 states that the order passed by the Chairman of the Nagpur Improvement Trust is appealable under Section 108-A of the Nagpur Improvement Trust Act, 1936.

In that view of the matter, the petitioner in person seeks liberty to withdraw the writ petition so as to prefer an appeal or to avail an alternate remedy before the appropriate forum.

The writ petition is, therefore, disposed of as withdrawn with liberty to take recourse to the alternate remedy available in law. We make it clear that since the petitioner was *bona fide* prosecuting the present writ petition, he would be entitled to avail the benefit of Section 14 of the Limitation Act. We further make it clear that if the appeal is filed within a period of one month

from today, the same will be entertained by the State even if it is filed beyond the period of limitation.

JUDGE

JUDGE

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