

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

WRIT PETITION NO. 2467 OF 2016

Mrs. Abha Dastane-Rao & anr. ... Petitioners

V/s.

The Union of India & Ors. ... Respondents

Mr. P.R. Arjunwadkar i/b. Hemant Ghadigaonkar, Advocate for the
Petitioners.

Ms. Mansi Patel i/b. Udwadia & Co. for Respondent Nos. 2 to 4 – (R.B.I.)
Smt. S.V. Bharucha with A.R. Varma for Respondent No.5.

**CORAM : NARESH H. PATIL AND
SMT. BHARATI H. DANGRE, JJ.**

7th July, 2017.

P.C.

The petitioners pray for setting aside certain letters/communications mentioned in prayer clause (a) of the petition. The petitioners further seek direction to respondent nos. 2,3 and 4 to take action against respondent no.5 and to recall the moneys alongwith interest. Further direction to respondent no.5 to audit entire account of estate of the deceased is also sought for. This petition was filed on 8th

February, 2016.

2. During the course of hearing it was submitted that Civil Suit is pending in the Trial Court in respect of the subject matter of the petition. The Counsel appearing for respondents 2 to 4 submitted that as the Civil Court is seized with the matter, it would not be appropriate for the Writ Court to enter into various questions of facts.

3. In the facts, we find that expressing any opinion on the subject issues raised by the petitioners may cause some prejudice to the other side as the parties are litigating on the substantive issues in the Civil Court. In the facts of the case, it would be reasonable and proper for the parties to get the issues settled in the civil forum which they had already approached.

4. Without expressing any opinion, we dispose of the petition.

(SMT. BHARATI H. DANGRE, J)

(NARESH H. PATIL, J.)