

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 9580 OF 2013**

|                                                                         |                  |
|-------------------------------------------------------------------------|------------------|
| Smt. Tarabai Ganpati Aadayprabhu                                        | .....Petitioner  |
| versus                                                                  |                  |
| The Recovery Officer, Employees State<br>Insurance Corporation and anr. | .....Respondents |

Mr. Neel G. Helekar, advocate for the petitioner.  
Mr. S. S. Pathak, advocate for the respondent Nos.1 and 2.

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

**DATE : 4<sup>th</sup> JUNE, 2018.**

**P. C. :**

Learned counsel for the respondent Nos.1 and 2, at the outset, raised a preliminary objection regarding the maintainability of the petition. He invited our attention to Section 77 of the Employees State Insurance Act, 1948, and submitted that the petitioner can raise dispute by filing proceedings under Section 75 of the Employees State Insurance Act, 1948.

2. In the light of the above submission, Mr. Helekar, learned counsel for the petitioner, seeks leave to withdraw the petition with liberty to approach the Employees Insurance Court by filing appropriate proceedings. Leave with liberty as prayed for, is granted. The writ petition is dismissed as withdrawn.

3. Since the petitioner was bona fide pursuing this Court and the petition is pending since 2013, the petitioner is at liberty to take benefit of Section 14 of the Limitation Act, 1963. It is expressly made clear that this order should not be construed as an expression of any opinion on merits and all rights and contentions of the respective parties are kept expressly open to be agitated before the appropriate authority.

**[SMT.ANUJA PRABHUDESSAI, J.]**

**[RANJIT MORE, J.]**