

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 4318 OF 2019
IN RAST/8685 OF 2019 IN
WRIT PETITION 7675 OF 2016**

**SHISHIR VISHWASRAO SANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for the Applicant : Shri G. R. Syed
AGP for Respondent Nos. 1 and 2 : Shri N. T. Bhagat

...
CORAM : RAVINDRA V. GHUGE, J.

DATED : 29th MARCH, 2019.

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PER COURT :

1. Delay of 9 days is sought to be condoned.
2. I have heard the learned Advocate for the review petitioner and the learned AGP on behalf of the State.
3. The learned Advocate for the review petitioner submits that this Court (Coram : Sunil P. Deshmukh - J.) directed the petitioner to deposit the entire amount of Rs. 1,02,000/ in this Court for considering the matter. He submits that this Court (Coram : Myself) passed an order on 01/02/2019 relegating the petitioner to the statutory efficacious remedy available under Section 154 of the MCS Act.

4. The grievance of the review petitioner is that his learned Advocate was not present when the order dated 01/02/2019 was passed.

5. I have considered the strenuous submissions of the learned Advocate for the applicant even on the review petition.

6. I am of the view that when a statutory efficacious remedy is available to a litigant, an avoidance of such remedy is only because the said remedy is available after depositing 50% of the amount. As like in this case, where Sub-Section 2A of Section 154 mandates such a deposit, approaching this Court directly with a Writ Petition, ought not to be entertained. The purpose of having a statutory remedy to be availed of before a forum prescribed for entertaining such a grievance, would stand nullified by directly approaching this Court.

7. Considering the above, the C.A. seeking condonation of 9 days delay is allowed. The Review Application, being devoid of merit is, therefore, rejected.

(RAVINDRA V. GHUGE, J.)

shp/-