

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8514 OF 2018

SHARAM PARIHAR MAJUR SAHAKARI SANSTHA (M.)
CHINCOLI THROUGH ITS CHARMAN
HARIDAS EKNATH JOGDANDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Dhage Vaibhav B.
AGP for Respondents : Mr. K. B. Jadhavar

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CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.

DATE: 03rd JULY, 2019

PER COURT:

1. We have heard Mr. Dhage, learned counsel for the petitioner.

2. On 29.04.2019, we had observed that from the affidavit filed on record it appears that respondents are disputing the payment made to the petitioner on various grounds. It would not be possible to enter into the disputed questions of fact. The additional affidavit is also filed today by the respondents disputing the amount to be paid to the petitioner.

3. The only remedy available to the petitioner would be to file the suit before the Civil Court or if there is a clause of arbitration in the agreement, then before the Arbitrator.

4. The petitioner may take steps as may be permissible in law for the said purpose. All contentions are kept open.

5. If at all the petitioner is entitled to under law, the Civil Court may consider the time spent in prosecuting the writ petition.

6. Writ Petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

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