

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8340 OF 2019
(Vishal s/o Vijay Khapte Vs. State of Maharashtra and others)

Mr.Sanket Kulkarni, Advocate for the petitioner.
Mr.N.T.Bhagat, AGP for respondent/State.
Mr.Amol Gandhi, Advocate for respondent No.4.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 12/07/2019

PER COURT :

1. On 11/07/2019, I had passed the following order :-

- “1. This petition was posted today for “passing orders” as this Court is of the view that since a statutory efficacious remedy is available to the petitioner under Section 154 of the MCS Act, this petition need not be entertained by this Court.*
- 2. The learned Advocate for the petitioner had sought time to take instructions on 08/07/2019.*
- 3. The learned Advocate for the petitioner now seeks a pass over.*
- 4. Stand over to 12/07/2019 for “passing orders.”*

2. I have heard the learned Advocate for the petitioner who submits that as an exception, this Court may entertain this petition notwithstanding the existence of a statutory efficacious remedy u/s 154 of the M.C.S.Act, 1960. The learned Advocate for the

Bank/respondent No.4 opposes.

3. The learned Advocate for the petitioner submits that the petitioner is willing to deposit certain amounts with respondent No.4 as a gesture for exploring the possibility of a one time settlement. The application placed on record at page No.29 is also pending before respondent No.4. The learned Advocate for respondent No.4/Society submits that the request for one time settlement has already been rejected by the said society earlier.

4. In view of the above, this petition is disposed off.

5. If the petitioner prefers a revision u/s 154 r/w sub-section 2-A of the M.C.S.Act, 1960, within a period of 4 weeks from today, the period spent by the petitioner in this Court from 04/07/2019 until 4 weeks from today shall be considered as a ground for condonation of delay

6. Considering the request of the petitioner that he would try for an out of Court settlement with the Society, the revisional authority may note that until the petitioner deposits 50% amount, it would not proceed to hear the revision, for a period of 8 weeks from the date of

filing the revision. If this attempt does not succeed in the said period of 8 weeks, the petitioner would then deposit 50% of the amount and the Revisional Authority would proceed to decide the revision proceedings on its own merits by considering all the contentions of the litigating sides.

(Ravindra V.Ghuge, J.)