

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13243 OF 2019

GIRISHKUMAR PANDURANG BIJALWAD
VERSUS
M/S KAZI AND SANGHANI PROPERTIES BEED THROUGH ITS
PARTNERS

Mr.O.B.Boinwad, Advocate for the petitioner.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 05/11/2019

PER COURT :

1. The petitioner seeks to challenge the judgment dated 22/04/2019 delivered by the Maharashtra State Dispute Redressal Commission, Mumbai, Circuit Bench at Aurangabad. Contention is that the impugned judgment is perverse, erroneous and is not delivered on the merits of the matter.

2. The Hon'ble Apex Court has laid down the Law in Cicily Kallarackal Vs. Vehicle Factory [(2012) 8 SCC 524] concluding that when the State Consumer Commission delivers an order or judgment, the High Court should refrain from entertaining any writ petition, as the statutory remedy is before the National Consumer

Commission.

3. So also, the Hon'ble Apex court has held in the matter of Virudhunagar Hindu Nadargal Dharma Paribalana Sabai Vs. Tuticorin Educational Society [2019 SCC Online SC 1292], that the availability of a statutory remedy is a 'near total bar' and the High Court should not entertain such proceedings.

4. In view of the above, this petition is disposed off with liberty to the petitioner to avail of the statutory remedy as is permissible in Law.

(Ravindra V.Ghuge, J.)