

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4248 OF 2018

Nayan Dilip Dalal

...Petitioner.

vs.

Ananta Nathu Pisekar and ors.

...Respondents.

Mr. Pradeep D. Dalal for the Petitioner.

Mr. S.D. Patil with P.S.Gole i/by K.B. Bhagat for Resp. Nos. 2 to 6.

Ms. P.J. Gavhane, AGP. for Respondent Nos. 19 and 20.

CORAM : C.V. BHADANG, J.

DATED : 12TH DECEMBER, 2019

PC:

1. Heard for some time.
2. Learned counsel for the respondent by placing reliance on the decision of this court in the case of **Balwant Narayan Thale vs. Pushpalata Vasudeo Patil and others in W. P. No.8673 of 2016 decided on 9.1.2017** submits that the petitioner has an alternate remedy of appeal/revision against the impugned order. Learned counsel has specifically referred to the observations of this court in Para 3 of the said Judgment. Faced with this, the learned counsel for the petitioner on instructions seeks leave to withdraw the petition with liberty to take recourse to appropriate remedy of an appeal/revision as may be available in law before the appropriate authority. He only submits that petitioner may be protected on the aspect of limitation.

2. In that view of the matter, petition is disposed off as withdrawn with liberty as prayed.

3. It is however, made clear that this court has not expressed any opinion on the availability of merits of the challenge to the impugned order. If the petitioner avails of any such remedy, the concerned Appellate/Revisional authority shall have due regard to the provisions of Section-5 read with section 14 of the Limitation Act.

4. By consent of the parties, ad-interim relief already operating in this petition to continue to operate for a period of three weeks from today.

5. Petition is accordingly disposed of. There shall no order as to costs.

(C. V. BHADANG, J.)