

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

WRIT PETITION NO. 3429 OF 2020

Naseem Shaikh Lal Tamboli .. Petitioner

Versus

Assistant Engineer Maharashtra
State Electricity Distribution Co.
and others .. Respondents

Shri S. S. Kazi, Advocate for the Petitioner.

Shri A. S. Bajaj, Advocate for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATE : 06TH JULY, 2020.

FINAL ORDER :

. We have heard Mr. Kazi, the learned advocate for the petitioner.

2. Mr. Bajaj, the learned advocate for the respondents submits that, the petitioner has already availed the remedy before the civil Court in respect of the same cause of action and the petitioner has suppressed facts from this Court.

3. Mr. Kazi, the learned counsel for the petitioner submits that, as the electricity has been disconnected and the source of livelihood of the petitioner has come to an end, the petitioner has moved this petition.

4. Mr. Kazi, the learned counsel for the petitioner does not dispute that, the petitioner has already availed remedy before the Civil Court and miscellaneous civil appeal is pending before the District Court.

5. In the light of that, it would not be appropriate to entertain the present writ petition. The petitioner may avail the alternate remedy before the District Court. We are given to understand that, urgent matters are taken up by the District Court.

6. The writ petition accordingly is disposed of with liberty to the petitioner to prosecute his civil proceeding including miscellaneous civil appeal. If the district court has commenced physical hearing, it shall endeavour to take decision on appeal filed by the petitioner expeditiously. Both the parties shall co-operate in expeditious disposal of miscellaneous civil appeal. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 20