

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4649 OF 2010

DILIP EKNATH BODADE
VERSUS
PRASHANT ASHOKRAO DESHMUKH AND OTHERS

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Mr. G.V. Wani, Advocate for petitioner
Mr. S.B. Yawalkar, Advocate for respondent no.1
None present for respondent no. 2 though served
Respondents no. 3 to 5 are formal parties

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CORAM : SUNIL P. DESHMUKH, J.
DATE : 05-01-2021

ORDER :

1. Under present writ petition, petitioner purports to challenge decision dated 04-09-2009 of District Consumer Redressal Forum, Jalgaon in complaint no. 193 of 2008, on merits.
2. Mr. Yawalkar, learned counsel appearing for respondent no. 1 places reliance on *Nivedita Sharma Vs. Cellular Operators Association of India and others (2011) 14 SCC 337*, referring to that when statutory forum created by law for redressal of grievance is there, writ petition should not be entertained, especially having regard to sections 17 and 19 of the Consumer Protection Act, 1986.

3. Attention is also drawn to decision of division bench of this court in the case of *Mandatai Sambhaji Pawar and another Vs. State of Maharashtra and others 2011 (4) Mh.L.J. 790*.

4. In present facts and circumstances, in the face of proper alternate efficacious remedy, it is difficult to entertain present writ petition.

5. At this stage, learned counsel for petitioner Mr. Wani urges that reasonable time be afforded to petitioner to prosecute alternate remedy, as would be available in law and until then, interim relief be continued.

6. As such, it would be expedient that petitioner to resort to appropriate remedial measures against impugned order within a period of four weeks from today with liberty to raise all the contentions before said forum and interim relief operating *hitherto* to continue accordingly for a period of four weeks from today.

7. With aforesaid observations and liberty, writ petition is disposed of.

[SUNIL P. DESHMUKH]
JUDGE

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