

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.743 OF 2021

Buchhaya S/o Devaji Rajpallu Petitioner

VERSUS

The Manager,
Tata Capital Financial Services Ltd.
Fort, Mumbai and another Respondents

.....
Mr. S.B. Madde, Advocate for the Petitioner
Mr. Ajinkya Reddy, Advocate for Respondent Nos.1 and 2
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th JUNE, 2022

ORDER :

1. Learned advocate for the respondents raises issue of maintainability of the present petition on the ground that the petitioner has an alternate efficacious remedy of filing the appeal under Section 27-A of the Consumer Protection Act, 1986. In support of his contention, he has placed reliance on the order passed by this Court (Coram : R.G. Ketkar, J.) in Writ Petition No. 1433 of 2017.

2. In the light of this, the learned advocate for the petitioner seeks leave to withdraw the petition with liberty to file an appeal.

3. Permission granted.

4. Writ petition is disposed of as withdrawn with liberty as prayed for.

5. The period spent in prosecuting the present petition shall be taken into consideration at the time of condonation of delay.

**[NITIN B. SURYAWANSHI]
JUDGE**

S.P Rane