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

24 WRIT PETITION NO.4565 OF 2021

BABASAHEB TATERO GHUGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. S.P. Salgar, Advocate holding for Mr. N.V. Gaware,
Advocate for petitioner;
Mr. P.K. Lakhotiya, A.G.P. for respondent nos.1 & 2;
Mr. V.P. Narwade, Advocate holding for Mrs. M.V. Narwade,
Advocate for respondent no.3

**CORAM : A.S. GADKARI
AND
S. G. MEHARE, JJ.**

DATE : 24th January, 2022

P.C.

1. By the present petition, the petitioner is predominantly seeking enforcement of his monetary claim against the respondents. It is the contention of the petitioner that, the respondents have admitted his monetary claim and despite the said fact, they are not releasing his payment.

Be that as it may. The petitioner is having substantive remedies under the civil law and without adopting the same, has directly approached this Court by invoking its

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jurisdiction under Article 226 of Constitution of India for enforcement of his monetary claim. We are unable to accept the pleadings in the petition and arguments advanced by the learned counsel for the petitioner. It appears to us that the limitation for filing a suit for recovery of monetary claim as on the date of filing of the petition had already come to an end and to cure the said disability, present petition has been filed for enforcement of monetary claim. According to us the present petition is a 'chance petition' by the petitioner for recovery of monetary claim.

In view thereof, the petition being *de hors* of any merits is dismissed in *limine*.

2. In view of the above, we are constrained to impose costs of Rs.3,000/- upon the petitioner to be paid to the Library of Advocates Association of Bombay High Court at Aurangabad within a period of three weeks from today.

(S. G. MEHARE, J.)

(A.S. GADKARI, J.)

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