

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 WRIT PETITION NO. 14509 OF 2021
BANDOPANT DIGAMBER NAIK AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioners : Mr. R.D. Biradar
AGP for Respondents: Mr. PK. Lakhotiya

...
CORAM : RAVINDRA V. GHUGE AND
S. G. DIGE, JJ.
DATE : 12th APRIL, 2022

PER COURT :-

1. The petitioners have already initiated the Execution Proceeding for seeking execution of the Award, which is crystallized due to the dismissal of the first appeal. In addition to the Execution Proceeding, this writ petition is filed praying for issuance of writ of mandamus, in the same cause.
2. Now, it is informed that, Execution Proceedings have been dismissed in default. That does not mean the petitioners are remediless. They have to move the Court for restoration of the proceedings. Writ of mandamus, in these circumstances, is an abuse of the process of law.
3. In view of the above, this writ petition is disposed off.
4. At this juncture, the learned Advocate for the petitioners seeks liberty to withdraw this petition.
5. The petition is disposed off as withdrawn.

(S.G. DIGE)
JUDGE

mtk

(RAVINDRA V. GHUGE)
JUDGE