

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 2306 OF 2022**

Vishal Sankhe

... Petitioner

V/s.

The State Of Maharashtra & Ors.

... Respondents

Ms.Yashashree Munde a/w. Mr.Pratik Irpatgire for Petitioner.

Mr.S.D. Rayrikar, A.G.P for Respondent Nos.1 to 4.

Mr.Prashant Chavan a/w. Ms.Aishwarya Ghanate i/b. Navdeep Vora & Associates for Respondent No.5.

CORAM : A.S. GADKARI, J.**DATE : 6th May 2022.****PC. :**

1. The present Petition was heard yesterday i.e. on 5th May 2022. After hearing the learned counsel for the Petitioner at length, when this Court expressed its disinclination to interfere with the impugned Orders passed by Authorities below, learned counsel for the Petitioner had sought time to take instructions, whether the Petitioner would like to withdraw present Petition with liberty to pursue his remedy for recovery of his money claim from Respondent Nos.1 to 4, as may be permissible under the provisions of law.

2. Today, learned counsel for the Petitioner, on instructions, submitted that, leave may be granted to withdraw the present Petition with liberty to pursue remedy before the Civil Court for recovery of the amount as

claimed by the Petitioner from Respondent Nos.1 to 4.

Leave and liberty granted.

3. It is to be noted here that, the present Petition was filed on 24th January 2022 in the Registry of this Court and the notice of it was immediately served upon the learned A.G.P, who represents Respondent Nos.1 to 4. Therefore, the period from 24th January 2022 till 6th May 2022 shall be treated as the period of limitation, as contemplated under Section 80 of the Civil Procedure Code (for short, "C.P.C.) for initiating proceedings for recovery of the amount as claimed by the Petitioner before the Civil Court and no separate notice under Section 80 of C.P.C. herein after will be required for filing the Civil Suit by the Petitioner.

4. Petition is disposed off as withdrawn in the aforesaid terms.

[A.S. GADKARI, J.]

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