

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

946 WRIT PETITION NO.12625 OF 2017
WITH
CIVIL APPLICATION NO.3834 OF 2023
IN
WP/12625/2017

MATESHWARI AGRO CHEMICALS THROUGH ITS PARTNER
PRASHANT PANDITRAO PANDE

VERSUS

THE DISTRICT MAGISTRATE NANDED AND OTHERS

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Advocate for Petitioner: Mr. Janakwade Shivsamb N.

AGP for Respondent/State: Mrs. V. N. Patil-Jadhav

Advocate for Respondent Nos.2&5:

Mr. R. D. Deshpande

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CORAM: ARUN R. PEDNEKER, J.

DATE: 24th MARCH, 2023

PER COURT:

1. The learned counsel for the petitioner, on instructions, seeks leave to withdraw the writ petition and challenge the impugned order before the appropriate authority.

2. The learned counsel appearing for respondent no.5 – Bank has filed an affidavit, wherein it is contended that the petitioner has an alternate remedy before the Debt Recovery Tribunal and that the present writ petition is not tenable. In view of the objection raised by respondent no.5, the petitioner seeks leave of this court to

withdraw the present petition and approach the Debt Recovery Tribunal.

3. The petitioner submits that as the writ proceedings were pending here for a period of time, and the time spent before this court to be excluded in computing the period of limitation and filing the proceedings before the Debt Recovery Tribunal.

4. The learned counsel appearing for respondent no.5 – Bank, objects to the exclusion of time in computing the period of limitation.

5. In view of the objection raised, the Debt Recovery Tribunal to consider the applicability of Section 14 of the Limitation Act on it's own merits.

6. The Writ Petition and the pending civil application are disposed of. All contentions are kept open.

[ARUN R. PEDNEKER, J.]

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