

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9948 OF 2017

M/s. E. V. Reality

.. Petitioner

Versus

The City and Industrial Development
Corporation of Maharashtra Ltd. & Ors.

.. Respondents

Mr. Rahul Thakur *for the Petitioner.*

Mr. Sameer Patil *for Respondent No.1.*

Mrs. M. S. Bane *for Respondent Nos. 2 to 5.*

**CORAM : B. P. COLABAWALLA &
M. M. SATHAYE, JJ.
DATE : SEPTEMBER 05, 2023**

P. C.

1. After hearing the above Writ Petition for some time, we indicated to the learned Advocate appearing for the Petitioner that there are disputed questions of fact and which would require to be resolved by leading evidence and, therefore, they would have to file a suit.

2. The learned Advocate appearing for the Petitioner, on taking instructions, has fairly submitted that he shall file a suit raising all the issues that are raised in the present Petition in the said Suit.

3. In view of this statement, we dismiss the above Writ Petition by granting liberty to the Petitioner to file a civil suit.

4. We also direct that if there is any issue on limitation, the time taken to prosecute the above Writ Petition shall be excluded under Section 14 of the Limitation Act, 1963.

5. The above Writ Petition is accordingly dismissed. No order as to costs.

6. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M. M. SATHAYE, J.]

[B. P. COLABAWALLA, J.]