

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

**WRIT PETITION NO.2661/2023**

**Mrs. Anuradha Pravin Gulrandhe**  
**...Versus...**  
**Shri Santosh Arvind Marathe and others**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions  
and Registrar's orders  
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Court's or Judge's orders

Smt. R.P. Puranik Nalamwar, Advocate for petitioner

**CORAM : AVINASH G. GHAROTE, J.**  
**DATE : 24/04/2023**

1. There cannot be any dispute with the proposition laid down in *M.P. State Agro Industries Development Corpn. Ltd. and another Vs. Jahan Khan (2007) 10 SCC 88; Wasan Automotive Pvt. Ltd., Mumbai and another Vs. Subhash Rajaram Vande 2019 (4) Mh.L.J. 776* and *Ibrat Faizan Vs. Omaxe Buildhome Private Limited AIR 2022 SC 2363*, relied upon by the learned counsel for the petitioner, however, it is always a matter of discretion whether in case of an alternate remedy available, the discretion under Article 226 and 227 of the Constitution of India for entertaining writ petition for bye-passing the alternate remedy, should be exercised.

2. In the instant matter, the petitioner has been proceeded *ex parte* by the order dated 02/08/2021 (pg.93). The petition challenges the same. It is not disputed that an appeal under Section 41 of the Consumer Protection Act, 2019 is available to the petitioner, considering which, I am not inclined to entertain the present petition merely on the ground that it is onerous for the petitioner to avail the alternate remedy of appeal. The writ petition is therefore dismissed. No order as to costs.

**(AVINASH G. GHAROTE, J.)**

Wadkar