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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5807 OF 2015**

Shri Nayan Pandurang Pathare ... Petitioner

vs.

The State of Maharashtra through ... Respondents
Government

Mr. Nikhil Rajani i/b. M/s. V. Deshpande & Co. for Petitioner.

Mrs Savita P., AGP for the State.

CORAM : GAURI GODSE, J.

DATED : 26th FEBRUARY, 2024

P.C. :-

1. This petition was adjourned on 30th January 2024, to enable the learned counsel for the petitioner to take instructions from the petitioner as to whether the petitioner is willing to adopt appropriate alternate remedy available to the petitioner. On 20th February 2024, none had appeared on behalf of the petitioner. Hence, by way of last chance to enable the petitioner's advocate to take instructions, the petition was listed today under the caption for 'Dismissal'.

2. Today learned counsel for the petitioner seeks time on the ground that he was unable to take instructions from the petitioner as

the petitioner's wife expired on 1st February 2024. He submitted that he was being instructed by the petitioner's wife, hence, he was unable to take instructions. He therefore request for further time.

3. Perusal of the petition indicates that the petition has been verified by the petitioner himself and the petitioner's wife does not appear to be in picture. The petition is filed for challenging the recovery certificate. Learned counsel for the petitioner does not dispute that there is an alternate remedy to file revision application under Maharashtra Cooperative Societies Act. However, he only seeks time to take instructions from the petitioner for withdrawal of the petition with liberty to file an appropriate proceedings.

4. In view of the aforesaid, I am not inclined to adjourn the petition, as the petitioner has an efficacious alternate remedy. I do not see any reason to interfere in the writ jurisdiction. Hence, Writ petition is dismissed.

5. However, petitioner will be at liberty to adopt an appropriate alternate remedy for challenging the order impugned in this petition as permissible in law. Writ petition is therefore dismissed with the aforesaid liberty.

(GAURI GODSE, J.)