

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.600 OF 2015

Dharpal Madhukar Jirge .Petitioner

V/s.

Mrs.Rajashree Dharpal Jirge .Respondents
& ors

Mr.Indrajeet Joshi, Advocate, for the
Petitioner

Mr.P.S.Ingole, Advocate, for the Respondent
No.1

Mrs.P.P.Shinde, APP, for the Respondent No.2 -
State

CORAM : REVATI MOHITE DERE, J.

DATE : 5TH MAY, 2015

P.C.

. Heard the learned counsel for the
petitioner, the learned counsel for the
respondent No.1 and the learned APP for the
respondent No.2 – State.

2. On the last date, vide order dated
24.04.2015 this Court had directed the Senior
P.I. Of Laxmipuri Police Station, Kolhapur to

record the statement of Dr.Mithare as to whether he was in occupation of the said flat i.e. Shri Ram Apartment, Shukrawar Peth, Kolhapur, which is owned by the petitioner or whether he had shifted to his own independent residence.

3. The learned APP has tendered a report along with the statement of Dr.Mithare which is taken on record and marked as "X" for identification. It appears from the statement that Dr.Mithare has left the premises on 01.05.2015. In view of the same, the learned counsel for the petitioner does not press the present petition and seeks leave to withdraw the same. He states that pursuant to the order passed by the trial Court, he will hand over the said premises i.e. Shri Ram Apartment, Shukrawar Peth, Kolhapur to the respondent No.1 forthwith. As far as the grievance of the respondent No.1 that the petitioner has not paid the maintenance to the respondent No.1,

the respondent No.1 will be at liberty to file an appropriate application before the trial Court which will be decided as expeditiously as possible by the trial Court.

4. The petition is disposed of accordingly. The petitioner shall put the respondent No.1 in peaceful possession of the said premises, at Shri Ram Apartment, Shukrawar Peth, Kolhapur within one week from today.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)