

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 3693 OF 2014

Mangal Sumant Sutar	...	Petitioner
vs.		
Sumant Nathuram Sutar	...	Respondent

Mr. P.G.Sarda, Advocate for the petitioner.
Mr. Purshottam G. Chavan, for the respondent.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 23rd January, 2015.

P.C.

1. Heard. Rule. Rule made returnable with the consent of the parties.
2. The petitioner herein questions the correctness and validity of the order dated 19.11.2013 passed by the Civil Judge, Senior Division, Solapur in H.M.P.No.134 of 2012. The said H.M.P. was filed by the respondent herein seeking divorce on the ground of desertion. During the pendency of the said Petition, the petitioner herein had filed a petition seeking restitution of conjugal rights. The Civil Judge, Senior Division, Solapur, by a judgment and order dated 20.11.2014, has passed a decree of restitution of conjugal rights in favour of the petitioner.

3. The learned counsel for the respondent submits that the said decree is an ex-parte decree and the challenge to the said decree is subjudice before the Hon'ble Division Bench of this Court in Family Court Appeal No.2 of 2015. In view of this, the prayer seeking conciliation becomes infructuous. Hence, the learned counsel for the petitioner seeks liberty to withdraw the petition. Liberty as prayed for is granted in the interest of justice. Rule is discharged. Petition stands disposed of.

(SMT.SADHANA S.JADHAV, J.)