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

CRIMINAL WRIT PETITION NO. 4631 OF 2014

Mr. Zafar Ali s/o. Late Asar Ali ... Petitioner

Versus

Mrs. Gulsanobar Bano Zafar Ali ... Respondent

Smt. Nirmala Gopal for the petitioner.

Smt. P.P. Bhosale, A.P.P. for State.

Mr. D.B. Patel for Mrs. Neelam Kanayia for respondent no. 1.

**CORAM : M.L. TAHALIYANI, J.
DATED : MARCH 23, 2015**

P.C.

Heard learned counsel for the petitioner, learned counsel for respondent no. 1 and learned A.P.P. for the state.

2. Petitioner claims that he has divorced respondent no. 1 in the year 2000. Respondent no. 1 however, claims that she was staying with the petitioner upto year 2005. Petitioner further claims that the property where the respondent no. 1 is staying at present belongs to petitioner no.2. Petitioner also claims that talak was performed in the presence of the Kazi and that Kazi is alive. Respondents on the other

hand submits that since the applicant is cousin of respondent no. 1, he used to come to their place at Mumbai even after talak and used to stay with them. Petitioner was allegedly providing maintenance to respondent no. 1 till 2013.

3. It is thus obvious that there are disputed facts which are to be proved before the trial Magistrate. This court in the writ jurisdiction cannot take care of all these issues. Petition is dismissed.

4. The trial of the Application is expedited. The application to be heard and decided within three months from today.

(JUDGE)