

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4218 OF 2013

Mr. Kantilal Haridas Solanki and Ors.] ... Petitioners

Versus

Mrs. Rekha Rahul Solanki and Anr.] ... Respondent

Mr. Mohan Devkule for Petitioners.

Mrs. M. R. Tidke, APP for State-Respondent No.2.

CORAM :- M. S. SONAK, J.

DATE :- DECEMBER 18, 2015

P. C. :-

1. The learned Counsel for petitioners once again seeks some time in the matter. If the previous orders are perused, then, it is clear that the petitioners have been adjourning this matter from time to time.

2. The respondent no.1 i.e. Mrs. Rekha Rahul Solanki instituted a Domestic Violence Petition No.12/DV/2013 against the petitioners. On 30/03/2013, the Trial Court issued the following order :

“Issue notice to Respondent.

Sd/-”

3. The petitioners have instituted this petition to question the aforesaid order by which notice has been issued to them. The petitioners have applied for stay on proceedings before the Trial Court. No stay has been granted by this Court. The petitioners, however, from time to time, applied for adjournments in the matter. In these circumstances, it is reasonable to presume that the entire purpose of filing this petition was to stall the proceedings before the Trial Court by stating that this petition is pending in this Court. This amounts to abuse of the process of this Court.

4. No case whatsoever is made out by the petitioners for interference with the aforesaid order which has merely issued notice to the petitioners to appear in the matter.

5. Therefore, this petition warrants dismissal with exemplary costs. However, on account of persuasion by the learned Counsel for petitioners, costs are not being imposed.

6. The Trial Court i.e. Metropolitan Magistrate Court, Bandra, taking up the C.C.No.12/DV/2013 is however directed to expeditiously dispose of the said matter.

7. The petitioners are directed to place an authenticated copy of this order before the Metropolitan Magistrate, 12th Court, Bandra, in C.C.No.12/DV/2013.

8. As the learned Counsel for petitioners does not give any assurance that authenticated copy of this order will be produced before the learned Metropolitan Magistrate, the Registry is directed to transmit authenticated copy of this order to the learned Metropolitan Magistrate, 12th Court, Bandra, taking up C.C.No.12/DV/2013. This shall be done by the Registry within a period of 15 days from today.

9. This petition is dismissed.

(M. S. SONAK, J.)