

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.156 OF 2008
WITH
CRIMINAL APPLICATION NO.717 OF 2016

Motiram s/o Bhagwan Gharbude,
Age 68 years, Occu. Retired,
R/o 701A, Sai Sankalp Society,
7, Bungalow, Andheri (W), Mumbai

.. Petitioner

Versus

1. Ashok s/o Vithal Sonawane,
Age 31 years, Occu. Journalist,
R/o Renuka Niwas, Bhusan Nagar,
Kedgaon Devi, Ahmednagar,
Taluka and Dist. Ahmednagar

2. The State of Maharashtra

.. Respondents

Mr H.V. Tungar, Advocate h/f Mr C.R. Deshpande, Advocate for
petitioner

Mr D.K. Kulkarni, Advocate for respondent No.1

Mr D.V. Tele, A.P.P. for respondent No.2

CORAM : N.W. SAMBRE, J.

DATE : 8th March 2016

ORAL JUDGMENT

Heard.

2. Learned Counsel for the petitioner submits that in Suit No.7422 of 2004 (High Court Suit No.2887 of 2004), the parties have arrived at consent terms and as such, the said suit came to be disposed of in view of consent terms.

3. In this background, the application for hearing of present petition is moved by placing on record the consent terms, as are drawn between the parties and also the copy of the order passed by the learned Judge, City Civil Court for Greater Bombay, at Bombay on

14th October 2015. The said order speaks of the parties to the present petition were present before the said Court and after hearing the learned Court below recorded the consent terms.

4. Learned Counsel for the petitioner, in this background would submit that the proceedings mentioned in paragraphs 2 and 3 need to be withdrawn unconditionally, as has been agreed in paragraph 4 to the consent terms.

5. The present writ petition is arising out of one of the proceedings which are mentioned in paragraph No.3.

6. In above background, in my opinion, it will be appropriate to send back the record and proceedings which were called in the present writ petition and it shall be open for the parties to apply before the Court before which the proceedings are pending to get them disposed of in terms of the consent terms and the order passed by the City Civil Court, Greater Bombay, at Bombay on 14th October 2015.

7. In view of above observations, in my opinion, no further orders are called for in writ petition. Writ Petition stands disposed of with above observations. Rule made absolute accordingly.

8. In view of disposal of Writ Petition, Civil Application No.717 of 2016 does not survive and stands disposed of.

(N.W. SAMBRE, J.)

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