

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1348 OF 2016**

Swati Arun Atwal & Ors.

...Petitioners

Versus

Arun Ramratan Atwal & Anr.

...Respondents

Mr. Samarth Moray for the Petitioners

Mr. Arun Ramratan Atwal, Respondent No.1 appears in-person

Ms. Pallavi Dabholkar, A.P.P for the Respondent No. 2-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 21st SEPTEMBER, 2016

P.C. :

1. Heard learned Counsel for the petitioners and the respondent No. 2, who appears in-person.

2. By this petition, the petitioners have impugned the judgment and order dated 29th January, 2016 passed by the learned City Civil and Sessions Court, Greater Mumbai in Criminal Revision Application No. 964 of 2015. It is not in dispute that despite service of notice on the petitioners',

the petitioners failed to appear before the Revisional Court, resulting in the impugned order being passed.

3. The respondent No. 1 - Arun Ramratan Atwal, who appears in-person, has no objection if the impugned order is quashed and set aside, subject to cost.

4. Accordingly, without going into the merits of this petition, the impugned judgment and order dated 29th January, 2016 passed by the learned Sessions Judge in Criminal Revision Application No. 964 of 2015 is quashed and set-aside. The Revision Application is restored back to its original file. The learned Sessions Judge shall decide the said application after hearing both the sides in accordance with law.

5. Both parties i.e. petitioners and respondent No. 1 shall appear before the learned Sessions Judge on 20th October, 2016 at 11:00 a.m. The learned Sessions Judge will thereafter fix a date for hearing of the said revision application. The said application shall be decided as expeditiously as possible.

6. The petitioners to pay cost of Rs. 2,000/- to the respondent No. 1 Arun Ramratan Atwal. The said cost shall be deposited by the petitioners in the Revisional Court on or before 20th October, 2016. Mr. Arun Ramratan Atwal is permitted to withdraw the said amount, which shall be deposited by the petitioner.

7. It is made clear that this Court has not gone into the merits of the impugned order and the learned Judge shall decide the same on its own merits. All contentions of both the parties are kept open.

8. Petition is disposed of accordingly.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.