

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1345 OF 2011**

Shailabai Jagannath Thombare & Anr

..Petitioners

Vs.

Jagannath Padu Thombare & Anr

..Respondents

Mr. Rajesh Parab for the Petitioners

None for the Respondent No.1

**WITH
CRIMINAL WRIT PETITION NO.779 OF 2011**

Jagannath Padu Thombare

..Petitioner

Vs.

Shailabai Thombare & Ors.

..Respondents

None for the Petitioner

Mr. Rajesh Parab for the Respondent No.1

CORAM : R. M. SAVANT, J.

DATE : 13th FEBRUARY, 2017

P.C.

1 The above Petition take exception to the order dated 25-1-2011 passed by the Additional Sessions Judge, Raigad. By the said order, the Criminal Revision Application filed by the Petitioner in Writ Petition No.779 of 2011 came to be partly allowed whereby the maintenance granted to the wife i.e. the Petitioner in Writ Petition No.1345 of 2011 was set aside. However, the maintenance granted to the daughter i.e. the Petitioner No.2 in Writ Petition No.1345 of 2011 was confirmed.

2 The Petitioner i.e. the husband in Writ Petition No.779 of 2011 is aggrieved by the order upholding the maintenance in respect of the daughter whereas the Petitioners in Writ Petition No.1345 of 2011 are aggrieved by the setting aside of the maintenance to the Petitioner No.1 wife.

3 It seems that whilst the above Petitions were pending, the parties were referred to mediation by the Learned JMFC Panel. Pursuant to the said mediation, the parties had filed a consent pursis before the said Mediator evidencing the settlement arrived at between the parties. In terms of the said settlement, the Petitioner in Writ Petition No.779 of 2011 i.e. the husband has paid an amount of Rs.10 lakhs to the Petitioner in Writ Petition No.1345 of 2011. Out of the said amount of Rs.10 lakhs, Rs. 8 lakhs have go to the daughter Petitioner No.2 and Rs.2 lakhs have go to the Petitioner No.1 in Writ Petition No.1345 of 2011. The said amount has been paid by the Demand Draft mentioned in the said consent pursis. The referral order is marked as Exhibit 45 and the consent pursis is marked as Exhibit 46 by the Trial Court. The Trial Court thereafter on 8-6-2015 has passed an order which is to the following effect “ Read and perused Exhibit 45 and Exhibit 46, matter is amicably settled through mediation, hence disposed of accordingly as settled through mediation.”

4 Since the parties have settled the matter through mediation and

have filed consent pursis, the terms of which have been referred to hereinabove, it is not necessary to keep the above Petitions pending. The said certified copy of the consent pursis dated 8-6-2015 as also the referral order Exhibit 45, is taken on record and marked as “X(colly)” for identification. The Writ Petitions to accordingly stand disposed of. Rule discharged.

[R.M.SAVANT, J]