

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CONTEMPT PETITION NO.262 OF 2017
IN
CRIMINAL WRIT PETITION NO.235 OF 2011**

Rohit Bhimsen Khurana

...Petitioner

vs.

Advocate Neha Rohit Khurana

...Respondent

Ms. V. V. Thorat i/b Mr. Sandeep S. Sharma for the Petitioner.

**CORAM : SMT. SADHANA S. JADHAV, J.
DATE : 9th November, 2017**

P.C.:

. None appears for the Respondent although served. There appears to be a matrimonial dispute between the Petitioner and the Respondent. That there were several proceedings pending between the parties including the petition under the Protection of Women from Domestic Violence Act, 2005. The parties had approached the Hon'ble Apex Court by filing a Petition for Special Leave to Appeal No.29535/2015. The following order is passed by the Supreme Court:

“Learned counsels for the parties submit that the dispute has been settled out of Court and the terms of settlement are being drawn up. If that be so, we do not see why we should keep this Special Leave Petition pending any longer.

Special Leave petition is disposed of in terms of the settlement arrived at by and between the parties.

The parties shall give effect to the terms of the said settlement.”

2. Pursuant to the order of the Hon'ble Apex Court the parties had drawn memorandum of settlement. It appears that a supplementary deed was also signed between the parties. The memorandum of settlement along with the orders of the Hon'ble Apex Court are taken on record and

marked Exh.'X' for identification. In view of the said memorandum of settlement, learned counsel for the Petitioner upon instruction sought liberty to withdraw the contempt petition. Learned counsel for the Petitioner submits that in the eventuality that the parties fail to act upon the memorandum of settlement, the Petitioner reserves the right to approach this Court by filing contempt petition afresh.

3. In view of the aforesaid, the Petitioner is allowed to withdraw the contempt petition with further liberty to file contempt petition afresh only in the eventuality that the parties do not voluntarily abide by the memorandum of settlement.

(SMT. SADHANA S. JADHAV, J.)