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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12122 OF 2016**

Radhika Sivakumar and Anr.	... Petitioners
Vs.	
Union of India and Ors.	... Respondents

Mr. R.V. Govilkar i/by Mr. Mihir Govilkar for the Petitioners.
Mr. Y.S. Bhate a/w Mr. Dushyant Kumar for the Respondent No.1.
Mr. Bipin J. Joshi for the Respondent No.3.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 14th MARCH, 2017

PC.

1 On the last date, the learned counsel appearing for the contesting respondent placed on record a copy of the pursis filed by the Advocate representing the first petitioner before the Family Court at Pune. Today, the first petitioner has filed an affidavit in which she has accepted that the said pursis was filed as per her instructions to the Advocate. Paragraphs 3 to 5 of the said affidavit tendered across the Bar today read thus :-

“3. I hereby state that the Pursis was filed upon my instructions to the Advocate at the Hon'ble Family Court, Pune and it was because of my misunderstanding of the proceedings in the abovementioned matter at the

Hon'ble High Court on 03.03.2017 that such instructions were given by me.

4. I hereby tender my unconditional apology to the Hon'ble High Court for such miscommunication and I pray that the matter be heard at the earliest convenience of the Hon'ble High Court.
5. An application for the withdrawal of the Pursis dt.03.03.2017 has already been filed in the Hon'ble Family Court, Pune and an unconditional apology has also been tendered to the Hon'ble Family Court, Pune for the miscommunication. A copy of the application, along with my Affidavit is annexed herewith and marked as 'Exhibit-A'."

2 As the first petitioner has applied for withdrawal of pursis dated 3rd March, 2017 and considering the statements made in paragraph 3 of the affidavit, the unconditional apology tendered by the first petitioner deserves to be accepted. Accordingly, we accept the apology.

3 The learned counsel appearing for the first respondent on instructions states that as per the application referred in prayer clause (a) of the application, passport will be issued in the name of the second petitioner with a period of two days from today. We accept the said statement.

4 The learned counsel appearing for the petitioners, on instructions of the first petitioner, who is personally present in the Court, states that as soon as the passport is received, she undertakes to the Court to deposit the passport of the second petitioner with the Family Court at Pune. In fact, the first petitioner has filed an undertaking on oath dated 3rd March, 2017 to that effect. The undertaking in writing as well as the oral undertaking are hereby accepted.

5 We direct the first petitioner to deposit the passport issued in the name of the second petitioner with the concerned Family Court at Pune immediately after receiving the same and in any event, within a period of three working days from the date on which the passport is received.

6 The deposit of the passport with the concerned Family Court will be subject to further orders which may be passed by the Family Court after hearing the first petitioner and the third respondent.

7 We make it clear that no adjudication has been made on the merits of the pending disputes between the first petitioner and the

third respondent and all contentions on merits are kept open. By accepting the aforesaid undertaking in the affidavit as well as oral undertaking, the Petition is disposed of.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)