

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4298 OF 2017

Nivedita Ramanujam Rawal

... Petitioner

Vs.

The State of Maharashtra & Ors.

... Respondents

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Mr. C. K. Pendse a/w Mr. A. M. Gosavi and Mr. Dharmesh Shah
i/b. GMS Legal for the Petitioner.

Mr. S. V. Sonawane, AGP for Respondent-State.

Mr. Rumi Mirza a/w Mr. Kaushal Thakker i/b. Dipesh Mehta &
Associates for Respondent Nos. 3 and 4.

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**CORAM : S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

DATE : NOVEMBER 03, 2017.

P.C. :

1. After the Writ Petition was heard for some time, we are only concerned with the limited request of the petitioner, who is the daughter of one Jagdishkumar Rewashanker Rawal, that she is not being allowed to meet her father and contrary to medical advice, which she obtained from abroad, her father was taken away by her real sister and brought to India. While he is residing with her in India, he has not been treated properly for his medical condition and equally, one maid servant and the sister of the petitioner have colluded with each other and deprived the father as also the petitioner of their lawful share in certain immovable

and movable properties and got the bank accounts of the father operated to the detriment of his interest

2. At the outset, we clarified to the petitioner's Advocate regarding the issues relating to the movable and immovable properties, the shares therein, the right, title and interest of the parties as far as these properties are concerned, this Petition can never be a remedy of the petitioner in law. She would have to institute substantive legal proceedings in a competent Court and seek relief in relation to the contested issues.

3. Since a serious complaint was made that the petitioner has no access to her father nor she is allowed to contact, leave alone, meet him, we inquired from the Advocate appearing for the contesting respondent nos. 3 and 4 as to whether this is the correct position. On instructions, the counsel stated that these respondents have never obstructed the petitioner from coming down to India and meeting her father at the residential address of respondent nos. 3 and 4. The anxiety of these respondents, one of whom is also a daughter of the said Rawal, is that his medical condition requires that he should be continuously monitored and attended and that was not possible abroad. He is under good care and there is no threat and apprehension to his life as is projected in the Petition. At any time convenient to the petitioner and when she comes to India, but by advance intimation, she can visit her father and these respondents would have no objection to the

father being accessed by the petitioner and they would facilitate and provide the requisite assistance so as to arrange a meeting between the father and the petitioner.

4. We accept these statements as undertakings given to this Court and clarify that this Court has expressed no opinion on the rival contentions as far as the dispute between the two sisters. Keeping open their legal remedies and the contentions therein, we dispose of this Petition.

(SMT. BHARATI H. DANGRE, J.)

(S. C. DHARMADHIKARI, J.)