

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1351 OF 2006

SAMADHAN PANDURANG PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

Advocate for Petitioner : Shri D.B. Shinde
h/f. Shri M. S. Deshmukh.
AGP for Respondent Nos. 1 to 3 : Shri V.S. Badakh.
Advocate for Respondent No. 6 : Shri Mobin Shaikh
h/f. Shri V.R. Dhorde.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 24th January, 2018

PER COURT :

1. This petition was admitted by this Court by order dated 03/07/2006, and interim relief in terms of prayer clause 'C' was granted thereby staying the disqualification of the petitioner on the ground of having more than two children.

2. On 11/01/2018, this Court had passed the following order :-

“1. An opportunity is being given to the petitioner and his wife to make a statement on oath before this Court as to which of the four children, mentioned in paragraph No.4 of the affidavit-in-reply of respondent No.6, are their biological children. After considering the said affidavit, if required, I would be directing the said four children to file

their individual affidavits to state the names of their biological parents.

2. If the petitioner and his wife maintain their stand that Yogesh and Komal are the biological children of the brother of the petitioner, I will consider directing DNA test of the said two children, the petitioner and his wife and the brother of the petitioner and his wife. If a fraud is noticed, then the petitioner would not be permitted to withdraw this petition and I may pass an order directing registration of a criminal offence against those persons, who can be said to be a party to the said fraud, besides imposing costs of Rs.5,00,000/-.

3. S.O. to 24.1.2018 for filing of the affidavits by the petitioner and his wife. No extension of time would be granted. Matter shall appear in the supplementary board.”

3. Learned counsel for the petitioner tenders the original letter with the signature of the petitioner dated 17/01/2018, addressed to the learned advocate, stating that the petitioner does not desire to prosecute this petition and prays for leave to withdraw the same.

4. Considering the above, the original communication is taken on record and marked as 'X' for identification.

5. This petition, is therefore, dismissed as withdrawn. The

interim protection granted earlier by this Court shall stand vacated forthwith.

(RAVINDRA V. GHUGE, J.)

S.P.C.