

ISM

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

WRIT PETITION NO. 1768 OF 2015

Vikas Dhaktojirao Palande

.....Petitioner

V/s.

Surekha Raju Divate and Ors

....Respondents

Mr. Rajesh Singh a/w Mr. Karan Mehta & Sudhakar Surve for the petitioner.

Mr. Pankaj D. Purway for respondent no. 1.

Mr. Y. Y. Dabke APP for the State.

CORAM : NITIN W. SAMBRE, J.

DATE : MARCH 21, 2018.

P.C.

After hearing for sometime, the learned counsel for the petitioner, upon instructions, makes a motion for withdrawal of the petition with liberty to canvass the issue of jurisdiction *qua* competency of the Court below to deal with the application in the light of denial of domestic relationship at the time of final hearing of the said application.

2 Application is disposed as withdrawn with liberty to canvass the issue of jurisdiction at the time of final hearing of the said application. The learned Trial Court is expected to deal with the claim of jurisdiction while deciding the application on merit along with other ancillary issues.

3 Considering the litigation policy, since it is noticed that petition preferred by the respondent-wife is pending for last 5 years, hearing of the said application is expedited. It is expected of the Magistrate to decide the said application, in any case, within period of 12 months from today for which parties herein have agreed to co-operate.

[NITIN W. SAMBRE, J.]