

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.3614 OF 2019

Gahininath Bhimaji Aglave	]	Petitioner
Vs.		
Shubhangi Gahininath Aglave	]	Respondent

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Mr. Narendra Sharma, learned Counsel for the Petitioner.

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CORAM : R.G. KETKAR, J.

DATE : 1st APRIL, 2019.

P.C.

Heard Mr. Sharma, learned Counsel for the petitioner at length.

2. The matter was heard at length on 25th March, 2019 and at the request of Mr. Sharma, it was adjourned till today.

3. This Petition takes exception to the order dated 26th October, 2018 passed by the 21st Joint Civil Judge, Senior Division, Pune below Exhibit 68 in M.P. No.1032 of 2013. By that order, the learned trial Judge allowed the application made by the respondent and directed the petitioner herein to bear expenses of Kidney Transplant operation to the extent of Rs.8,32,920/- immediately. The petitioner is further directed to sign undertaking provided by Authority of Aditya Birla Memorial Hospital at the time of operation.

4. A perusal of the impugned order and in particular paragraph 3 shows that the respondent is suffering from end stage of renal disease. She is in urgent need of medical treatment regarding kidney transplant. Her mother

was ready to donate kidney to save life of the respondent. It transpired that her mother's kidney did not match due to difference of blood group and the respondent is in line up for her kidney donor. Mr. Sharma submitted that there is Cashless Insurance Scheme to the tune of Rs.2,50,000/- available to the respondent. The respondent is entitled to the amount of Rs.2,50,000/-. He has also relied on Government Resolution applicable to the teaching staff. The learned trial Judge has considered these aspects in paragraph 14. The learned trial Judge also noted that the respondent is ready to put her signature on each and every paper which the petitioner asks her to sign.

5. Th matter was adjourned till today so as to enable Mr. Sharma to take instructions from the petitioner and to make a statement as to within what time, the petitioner will pay the amount as per the impugned order. He has tendered photo copy of e-mail sent by the petitioner to him. The same is taken on record and marked 'X' for identification. As per the instructions of the petitioner received through e-mail, Mr. Sharma seeks permission to withdraw the Petition.

6. In view thereof, on the motion made by Mr. Sharma, the Petition is allowed to be withdrawn and as such is dismissed as withdrawn. The respondent is at liberty to execute the order impugned in this Petition.

[R.G. KETKAR, J.]