

Vidya Amin.

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

**CRIMINAL APPLICATION NO. 449 OF 2018
IN
CRIMINAL WRIT PETITION NO. 1070 OF 2018**

Prashant Jitoba Dhavale & Ors. ... Applicants

vs.

Kavita Prashant Dhavale & Anr. ... Respondents

Mr. Aditya Raktade i/b. Mr. S.D. Paithane, Advocate for the applicants.

Mr. S.R. Morey i/b. Mr. V.S. Talkute, Advocate for respondent no.1.

Mr. A.R. Patil, Addl. P.P. for respondent/State.

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: 4th March, 2019.

P.C. :

Upon urgent mentioning, taken on production board.

2. This Application is moved for restoration of Writ Petition, which was dismissed by this Court by order dated 18th September, 2018 for non-prosecution.

3. The learned counsel for the applicants submitted that the when the matter was called out, he was attending some other Court and inadvertently this matter could not be attended. He prays that the order dated 18th September, 2018 of dismissal of

Writ Petition for want of prosecution is to be recalled and the Petition be restored.

4. The learned counsel for the respondent no. 1/wife submits to the order of the Court, however, opposed the restoration of Writ Petition and interim order.

5. In view of the facts and circumstances, the order dated 18th September, 2018 is recalled. Writ Petition is restored to its original file . The interim order is also restored to its file on condition that from the month of March, the applicant/husband shall pay Rs.1,000/- to the respondent no. 1/wife towards rent, as a stop-gap arrangement.

6. Criminal Application is allowed and is disposed of accordingly.

7. Place the Writ Petition on 26th September, 2019.

(MRIDULA BHATKAR, J.)