

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

CRIMINAL WRIT PETITION NO. 4733 OF 2018

Babusha Champshi Shah and Anr.

...Petitioners

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Anand Jondale, Mr. Jiten Bharadwaj a/w. ms. Yashoda Jondale
for the Petitioners.

Mrs. N.B. Patil, APP for Respondent – State.

None appears for Respondent Nos. 2 and 3.

CORAM : S.S. SHINDE, J.

DATE : 11th JULY 2019

P.C.:

1. Learned counsel appearing for the petitioners submit that, pursuant to the notices issued by this Court, Respondent No. 2 is served by the private service and to that effect affidavit of service with tangible proof is filed in the Registry. Statement is accepted.

2. In spite of service of Respondent Nos. 2 and 3 by petitioners, none appears for them. In this Petition grievance is made that **Shri. G.O. Agrawal**, Presiding Officer, Court No. 13, City Civil and Sessions Court has made certain disparaging derogatory remarks

in his order dated 15.06.2018.

3. Learned counsel appearing for the Petitioner submits that in some other proceedings between the petitionenr and Respondent Nos. 2 and 3 which are pending before the other Forums / Courts, Respondent Nos. 2 and 3 are relying upon the said observations against the Petitioner and taking undue advantage. Therefore, he prays that personal remarks made against the petitioner may be expunged / deleted from the aforesaid Courts' (**Coram : SHRI. S.O. AGRAWAL**) order dated 15.06.2018. In the alternate he prays that in case this Court is not inclined to accede to the aforesaid prayer of the Petitioner, Petitioner may be granted liberty to file appropriate application / proceedings before the aforesaid Court for expunging / deleting the aforesaid remarks from the order dated 15.06.2018.

4. In the light of the submissions made across the bar, and keeping in view grounds taken in the petition, this Court is inclined to accede to the alternate prayer of the petitioner, and allow her to apply before same court seeking for reliefs which have been prayed in the present petition. If the same Presiding Officer is not available, such application can be made before the successor of earlier Presiding

Officer. The liberty is granted to file an appropriate proceeding / application in pending Summary Suit No. 435/2018 before the City Civil Court. In case such application is filed by the petitioner, concern Presiding Officer to decide the same on its own merits and after affording an opportunity of hearing to the parties to aforesaid suit. Such application shall be decided as expeditiously as possible however within three weeks from the date of filing of such application.

5. With the above observations Writ Petition stands disposed of.

(S.S. SHINDE, J.)