

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9157 OF 2019

Sou.Smita Ujwal Sontakke	...	Petitioner
versus		
Shri Ujwal Prakash Sonatakke	...	Respondent

Mr.Vasant Raut for the Petitioner.

Shashwat Rai a/w Ms.Prateeti Thakar i/b
Keystone Partners for the Respondent.

CORAM :- SMT.BHARATI DANGRE, J.

DATE :- MARCH 5, 2020

P.C. :-

1. The writ petition can be disposed of by issuing an appropriate direction to the Family Court, Pune.
2. The grievance of the petitioner/wife is that an application is filed by the husband/respondent seeking an injunction and a restraint order, restraining her from disposing of Flat No.203, Om Vihar, Kale Wadi, Pimpri on the ground that he is the sole owner of the flat. The said application came to be allowed.
3. The learned counsel for the respondent submit that against the said order dated 27th June, 2019, which is impugned in the present petition, the petitioner has also approached the Family

Court seeking recall of the said order. He submit that the said application is filed after institution of the present writ petition. In the backdrop of the aforesaid fact, the petitioner surely cannot prosecute two remedies at one time and she must select one between the two.

4. The learned counsel for the petitioner state that he would follow and prosecute the application before the Family Court at Pune and he is ready to withdraw the present writ petition.

5. Since the order has been passed in the month of June, 2019 and the recall application is pending before the Family Court, the Family Court, Pune is requested to dispose of the recall application at the earliest by affording necessary opportunity to both the parties and preferably within a period of six (6) weeks.

6. Needless to state that, before it proceeds to deal with the main matter, since by the said order the participation of the petitioner in the proceedings is made dependent on handing over of the keys to the respondent/husband within a stipulated period, the recall application will be disposed of.

7. The writ petition stands disposed of accordingly.

(SMT.BHARATI DANGRE, J.)