

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (APL) No. 77 of 2016

(Gopal s/o Digambar Telharkar ..vs.. Sau. Priti Gopal Telharkar and anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. P. Kariya, Advocate for the applicant
Mr. A. M. Tirukh, Advocate h/f Mr. D. S. Patil, Advocate for
non-applicant 1

CORAM : ROHIT B. DEO, J.

DATED : 25-02-2021

Learned counsel Mr. Kariya has placed on record the judgment and decree dated 15-11-2019 passed by the learned Judge, Family Court, Akola whereby the petition preferred by applicant Mr. Gopal Telharkar and non-applicant 1 Mrs. 'P' seeking dissolution of marriage by mutual consent is allowed.

2. Learned counsel Mr. Kariya submits that since it is already recorded in the decree that in consideration of the payment of lumpsum compensation and the subsisting insurance policy, the benefit of which shall go to the child, all claims are duly settled and nothing is payable or receivable *inter se*. Mr. Kariya submits that in view of the decree for dissolution of marriage by mutual consent and the conditions thereof, husband Mr. Gopal may be permitted to withdraw this application.

3. The learned counsel who appeared on behalf of the non-applicants Mr. Deepak Patil is based in Akola and

is, therefore, not in a position to attend the Court in view of the lockdown.

4. However, since learned counsel Mr. Kariya wishes to withdraw the application, I do not see any impediment in allowing the withdrawal.

5. This application is disposed of as withdrawn.

6. This order shall come into effect on 12-3-2021.

7. In the interregnum since learned counsel Mr. Kariya was not in a position to contact the applicant Mr. Gopal Telharkar and therefore, made the request for withdrawal on the basis of the decree, and the non-applicants shall be at liberty to seek the revocation of this order and to insist for hearing of Criminal Application (APL) 77/2016 on merits, if so deemed fit.

JUDGE

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