

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1159 OF 2022

Gopal Radhu Dahibhate

.. Petitioner

Versus

Sushila Gopal Dahibhate

.. Respondent

Mr. Sushant V. Dixit, Advocate for the Petitioner.

Mr. N. C. Garud, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 18th JANUARY, 2023.

P. C. :-

. In this petition the petitioner is challenging the judgment and order dated 06.06.2022 passed by the learned Additional Sessions Judge, Ahmednagar in Criminal Appeal No. 189/2016 where the appeal of the petitioner is dismissed thereby confirming the interim order directing the petitioner not to enter into residential property where the respondent is residing. Further, he is restrained from dealing with his properties specifically mentioned in the order dated 06.09.2016 passed by the learned J.M.F.C., Court No. 5, Ahmednagar in Criminal Misc. Application No. 409/2015 and to pay Rs. 10,000/- (Rs. Ten Thousand only) per month to respondent. So far as payment of Rs. 10,000/- (Rs. Ten Thousand only) is concerned, the order is

modified and he is directed to pay Rs. 5,000/- (Rs. Five Thousand only) per month and the same was further modified to Rs. 4,000/- (Rs. Four Thousand only) per month by order dated 14.09.2020 passed by this Court in Criminal Writ Petition No. 149/2020. In respect of restraining order the matter was remanded. After remand, the learned Appellate Court has dismissed the appeal by judgment and order dated 06.06.2022. The same is impugned in this petition.

2. After hearing the matter for some time, this Court without going into the merits of the matter and making any observations on merits asked whether parties are ready and willing to participate in the proceeding and to complete the main proceeding of Criminal Misc. Application No. 409/2015. Both the parties fairly accept that they will co-operate in the interest of the parties.

3. The parties to participate in the main proceeding and the learned Trial Judge is requested to complete the proceeding of Criminal Misc. Application No. 409/2015 within stipulated period.

3. It is reported that, the evidence of the respondent is over and even evidence of the petitioner is partly over. Considering this aspect and also the fact that, the main proceeding is pending since the year 2015, this Court finds that, in the interest of justice, the learned Trial

Court is requested to dispose off the main proceeding that is Criminal Misc. Application No. 409/2015 as early as possible and preferably within a period of three (03) months from today.

4. It is made clear that, this Court has not entertained the matter on merits and has not made any observations on merits.

5. Thus, the petition stands disposed off.

(KISHORE C. SANT, J.)

PS.B.