

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.6 OF 2023

DR. ANAND EKNATH GODSHAY

... PETITIONER

Versus

ASAWARI ANAND GODSHAY

... RESPONDENT

Mr. P. V. Sawaikar, Advocate with Ms. Jay Sawaikar, Advocate for the Petitioner.

Mr. Mahesh Amonkar, Advocate for the Respondent.

CORAM:- M. S. KARNIK, J.

DATED :- 24th April, 2023

P.C.

My attention is invited to the order dated 13.03.2023 passed by this Court. The parties have positively responded to the observations made. The share of the respondent to the extent of 50% of the amount of FD is adjusted i.e. Rs.86,222/- has been received by the respondent. An amount of Rs.1,86,222/- has been paid till date by the petitioner to the respondent. It is agreed by and between the parties that the balance amount which the petitioner has to pay to the respondent is Rs.56,778/-. The calculations of the amount payable by the petitioner has been tendered. The same has been duly signed by the Advocate for the respondent. The same is taken on record and marked 'X' for identification.

2. Learned Counsel for the petitioner makes a statement that the balance amount of Rs.56,778/- will be positively paid to the respondent at the earliest but maximum within a period of three months from today. Statement is accepted as an undertaking to this Court.

3. In this view of the matter, learned Counsel for the respondent Shri Amonkar, fairly states, that respondent has no grievance so far as the present writ petition is concerned and has no objection if the petition is allowed in terms of prayer clauses (a) and (b), which reads thus :

"(a) The impugned order dated 17-11-2022 passed by the learned Judicial Magistrate First Class at Margao in CRMA/52/2021/C be quashed and set aside."

(b) The complaint be dismissed and the petitioner be discharged of the offence under section 31 of PWDV Act."

4. The Writ Petition is allowed in terms of prayer clauses (a) and (b). No costs.

5. It is made clear that if the amount of Rs.56,778/- is not paid within three months from today, it would be open for the

respondent to apply to this Court for recalling this order.

6. Petition is disposed of.

M. S. KARNIK, J.

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PEREIRA

 Digitally signed by ANDREZA
PEREIRA
Date: 2023.04.24 19:23:43 +05'30'