

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 6340 OF 2023**

WITH

INTERIM APPLICATION NO. 7701 OF 2023

Shraddha Gupta w/o Rahul Kumar Gupta and anr. ...Petitioner

Versus

The State of Maharashtra and anr. ...Respondents

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Ms. Medha Jondhale a/w Mr. Anand Jondhale a/w Ms. Rajnandini Jondhale a/w Mr. Upendra Pandey a/w Mr. Harshvardhan Shinde i/b Jondhale and Company for the Petitioner.

Ms. M. S. Srivastava, AGP for the State.

Mr. Kiran Jain a/w Mr. Ish Jain i/b Kiran Jain and Company for the Respondent No. 2.

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CORAM : N.R. BORKAR, J.

DATED : 9 JUNE 2023

P.C. :-

This petition takes an exception to the judgment and decree dated 10 June 2019 passed by the City Civil Court in S. C. Suit No. 1148 of 2019.

2. The petitioner No. 1 herein had filed the above mentioned suit inter alia for mandatory injunction against the respondent No. 2. The consent terms were filed in the said suit. Pursuant to the said consent terms on 10 June 2019, the trial Court had passed the following order:

“1. Plaintiff and defendants no. 1 and 2 are present with their respective Counsels and they have settled their dispute in the suit amicably as per consent terms filed on record vide Exh.3. Perused the consent terms. Heard the parties and their Counsels. They admit the terms of the compromise including terms stated in paras 9, 10 and 11. Defendant no. 2 was specifically asked to go through the terms stated in paras 9, 10 and 11 and he has accepted the same.

2. In view of consent terms at Exh.3, suit is disposed of as settled by the parties by way of compromise.

3. Decree be drawn as per consent terms at Exh.3.

4. The plaintiff shall be entitled to get refund of court fees, if any, as per rules.

5. The Suit is disposed of and proceeding is closed.”

3. According to the petitioners, the respondent No. 2 in order to pressurize them and to extort huge money had filed criminal complaint against them. It is alleged that they were summoned by the police and they were made to settle the matter.

4. The disputed questions of fact, which are involved in the petition, are of such a nature that they can not be adjudicated in the writ jurisdiction. I am, therefore, not inclined to entertain the present petition. The Petition is dismissed.

5. Interim Application does not survive and stands disposed of.

(N.R. BORKAR, J.)