

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO.2849 OF 2022****IN****CRIMINAL WRIT PETITION NO.5831 OF 2018**

Tushar Dnyanoba Shinde

Applicant

Versus

Indubai Dnyanoba Shinde & Anr.

Respondents

Mr.Yatin Malvankar i/by Mr. Gurubala Birajdar, Advocate for Applicant.

Mr.Ajinkya Jaibhaye, for Respondent No.1.

Mr. Ajay Patil, APP for Respondent-State.

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CORAM : PRAKASH D.NAIK, J.**DATE : 3rd JANUARY, 2023.****P.C.:-**

1. This is an application for Review/Modification of Order dated 17th June 2022 passed by this Court in Criminal Writ Petition No. 5831 of 2018.

2. Learned counsel for the Applicant/Petitioner submitted that, the only prayer made in this application is to modify the order dated 17th June 2022 by providing two rooms to Respondent No.1 (Mother) and three rooms to Petitioner.

3. It is submitted that, the Petitioner would not disturb the possession of mother and that he is willing to pay maintenance of Rs.5,000/- to Respondent No.1 (mother).

4. Learned counsel for Respondent No.1 submitted that, this application is not maintainable in law. Criminal Writ Petition No. 5831 of 2018 was heard at length and finally disposed off vide order dated 17th June 2022. During pendency of said petition before this Court, attempts were made to resolve the dispute. The Respondent No.1 (Mother) had expressed that, she is apprehending danger and threats at the instance of applicant/petitioner. Even now the petitioner is threatening respondent No.1 and other family members.

5. It is pertinent to note that, Criminal Writ Petition No. 5831 of 2018 was disposed off on merits vide order dated 17th June 2022. The Petitioner has remedy of challenging the said order before Higher Court. Submissions advanced by learned counsel for the applicant cannot be considered as it would amount to recalling the order dated 17th June, 2022.

6. Considering the submissions of both sides, I do not find any reason to recall/review or modify order dated 17th June 2022. The application is devoid of merits.

ORDER

Interim Application No. 2849 of 2022 stands rejected.

(PRAKASH D. NAIK, J.)