

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12354 OF 2023

Sanjay Dnyandev Zurale

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

- Mr. Suhas S. Deokar, for the Petitioner.
- Mr. V.M. Mali, AGP for the Respondent-State.

CORAM : SUNIL B. SHUKRE &

FIRDOSH P. POONIWALLA, JJ

DATE : 6th OCTOBER, 2023.

ORAL JUDGMENT : {Per : Sunil B. Shukre, J.}

1. Heard.
2. RULE. Rule is made returnable forthwith, by consent of learned counsel for the respective parties.
3. Learned counsel for the petitioner submits that the petitioner is ready to give an undertaking to this Court that in future the petitioner and the owner of the vehicle shall not ply the vehicle in question within the limits of city of Mumbai and the Driver and the owner of the vehicle shall submit to this Court an undertaking to this effect. He further submits that the petitioner is ready to pay an amount of Rs.44,350/- and also reasonable cost and prays for release of the vehicle on similar lines as has been done by this Court in Writ Petition

No.4963 of 2013 and Writ Petition No.9417 of 2012, decided on 05.09.2023 and 03.10.2012 respectively.

4. Learned AGP submits that in view of the orders previously passed by this Court, an appropriate order may be passed in this petition.

5. In these circumstances, we allow the petition with following directions:-

(i) Petition is allowed.

(ii) We direct the petitioner to pay an amount of Rs.44,350/- and also cost of Rs.15,000/- to Respondent No.3 as early as possible.

(iii) The petitioner shall submit an undertaking to this Court that he or the owner of the vehicle shall not ply the vehicle within the limits of city of Mumbai in future and shall also supply a copy of this undertaking to Respondent Nos.3, 4 and 5.

(iv) We direct that the vehicle of the petitioner which has been detained in terms of the notice dated 02.09.2023 shall be released to the custody of the petitioner upon him paying the aforesaid amounts and submitting to this Court the said undertaking.

6. Rule is made absolute in the above terms.

7. Writ Petition is disposed of accordingly.

[FIRDOSH P. POONIWALLA, J.]

[SUNIL B. SHUKRE, J.]