

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2954 OF 2024

Jyoti Kishan Gehi

.. Petitioner

Versus

The State of Maharashtra & Anr.

.. Respondents

.....

- Ms. A.P. Madhuri for Petitioner
- Mr. Charanjeet Singh Chanderpal, CA of Respondent No. 2

.....

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 12, 2024

P. C.:

1. Heard Ms. Madhuri, learned Advocate for Petitioner and Mr. Chanderpal, Constituted Attorney of Respondent No. 2. Praecipe dated 11.06.2024 is moved by Mr. Chanderpal for seeking clarification of what transpired in Court on 22.04.2024.

2. This Petition is placed before me on the request made by the CA of Respondent No. 2. It is seen that he is the son of Respondent No. 2 who is a senior citizen. Petitioner is incidentally the real sister of the CA and daughter of Respondent No. 2. At the outset, I need to state that on 08.05.2024, this Petition was mentioned before me by the learned Advocate for Petitioner after the Court hours at the time of rising. After hearing the learned Advocate and the exigency involved in the case, I passed the following order on 08.05.2024:-

“1. Mentioned after the Court hours at the time of rising by Ms. Madhuri, learned Advocate for Petitioner.

2. Ms. Madhuri would submit that in view of the exigency involved in the present matter, this Court be pleased to hear the matter.

3. Considering the paucity of time, it is not possible for this Court to give a hearing to the Petitioner. However in view of the exigency mentioned by Ms. Madhuri, I am inclined to give liberty and leave to the Petitioner to seek appropriate orders during the ensuing summer vacation from the Vacation Bench. Needless to state that Petitioner shall ensure that notice of mentioning as also hearing if at all Petitioner desires to move the Vacation Bench shall be given by the Petitioner to all concerned Respondents without fail. This is specifically in view of the fact that some of the concerned Respondents have written e-mails to this Court informing about their caveats as also other issues.

*4. Since the matter is on board today, the above order shall stand. In the event, if Petitioner does not desire to move the Vacation Court, then the matter be posted for hearing on **11th June, 2024** after reopening.”*

3. Before I advert to the issue which has been agitated before me by both the learned Advocates today in view of the praecipe that is filed, I need to clear one aspect. This case was heard by me on 22.04.2024. This case did not pertain to my roster at that time but it pertained to the alternate Bench. However due to the order passed by the alternate Bench of “not before me”, the Petition was listed before me. On 22.04.2024, a request was made by the learned Advocate for Petitioner that the Petitioner was virtually living in her car with her limited clothing as also her medicines were not with her. Request was made to the effect that her clothing, accessories and medicines be given to her in the interregnum. Advocates represented by State and Respondent No. 2 appeared before me. CA of Respondent No. 2 who is an Advocate practicing in this Court informed the Court that he

would be ready and willing to bring the clothing and medicines of Petitioner as also mediclaim file which was one of the file required by Petitioner and handover the same to the Petitioner. However on 22.04.2024 there was a lot of animosity and deliberation as to where and at which time the said things would be handed over. Ultimately both the learned Advocates took a matured stand and on the suggestion given by the Court accepted the suggestion of the Court that the things belonging to the Petitioner will be packed and brought by CA for Respondent No. 2 and handed over to the Advocate for Petitioner in the bar room on the Appellate Side. Before arriving at this suggestion, various other alternates were not accepted and or rejected by either parties. A lot of deliberation took place in the Court. Considering that the issue between the parties who are blood relatives was absolutely personal, this Court as also both the learned Advocates made earnest efforts to ensure that the things could get worked out on that date in so far as handing over the things and belongings are concerned, but it appears that Respondent No. 2 was not ready and willing to allow the Petitioner to come to the residence at Worli for various reasons and equally another suggestion which was given by the Court to handover the said belongings to the Petitioner in the office of her Advocate was also rejected. In that view of the matter, considering the exigency involved and the Application made by the

learned Advocate for Petitioner, Court suggested that it would be in the fitness of things that the belongings can be brought on a particular date and time after communicating and coordinating with the Advocates and handover in the bar room, though this position is not refuted by the learned Advocate for Petitioner.

4. Be that as it may something serious transpired even thereafter. Though the hearing took place on 22.04.2024 and when the matter was mentioned before me on 08.05.2024, what had transpired between 22.04.2024 to 08.05.2024 was not informed to me but a request was made to give liberty to move the Vacation Court which I immediately did by virtue of the aforesaid order. I do not wish to delineate what transpired in the vacation since my roster came to an end on 10.05.2024.

5. Today matter is before me for seeking clarification. Both the parties have once again agitated before me the events which had transpired between 22.04.2024 and 10.05.2024. It is also seen that parties have moved the Vacation Court once and I am also informed that the Petition was listed before the regular Court at Sr. No. 32 on 11.06.2024. Now the said Petition is adjourned to 13.06.2024. The goods which are belonging to the Petitioner are kept in the bar room of the Appellate Side in Room No. 36 as informed by Mr. Chanderpal. Parties are at liberty to bring this to the notice of the learned regular

Court and take appropriate directions to take the goods / belongings if they so desire.

6. Today learned Advocate for Petitioner has made a request to this Court that Petitioner be allowed to take some of the belongings and Respondent No.2 be directed to take back the remaining goods. However since I am not seized with the roster of the present Writ Petition, such an Application can be made before the concerned regular Court and directions can be obtained by the parties.

7. With the above direction, praecipe dated 11.06.2024 is disposed.

Amberkar

[MILIND N. JADHAV, J.]

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by RAVINDRA
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