Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1005 OF 2025

Kavita Shyam Seernani & Ors. …Petitioners

Versus

Sanjivani Jayesh Seernani & Ors. …Respondents

ARJUN VITTHAL KUDHEKAR
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Date: 2025.12.20 18:23:54 +0530

Ms. Gayatri Gokhale, for the Petitioners.
Ms. Christina Fernandes i/b Vrushali Maindad, for Respondent No.1.
Ms. Sneha Jethwa, for Respondent No.3.
Ms. R. V. Newton, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 19 DECEMBER 2025

P.C.:

1. This Court by Order dated 1st December 2025 appointed Smt. Anuja Prabhudessai, Former Judge of this Court as Mediator.

2. Both the learned Counsel state that despite best efforts of learned Mediator, the mediation proceedings could not be successful.

3. Ms. Fernandes, learned Counsel appearing for Respondent No.1, submits that there is a Statutory Appeal provided under Section 29 of the *Protection of Women from Domestic Violence Act, 2005*, and therefore, the Writ Petition is not maintainable.

4. In view of the said contention raised by Ms. Fernandes, learned Counsel for Respondent No.1, Ms. Gokhale, learned Counsel for the

Petitioners, seeks withdrawal of the Writ Petition with liberty to file Statutory Appeal. Thus, leave as sought is granted.

5. It is clarified that if such Statutory Appeal is filed, the Court will take into consideration while deciding the delay condonation application, if any, the period for which the present Writ Petition has remained pending in this Court. The contentions of both the parties on merits as also on such condonation of delay application are expressly kept open.

6. This Court places on record its appreciation for the efforts taken by Smt. Anuja Prabhudessai, Former Judge of this Court, to mediate the dispute between the parties.

7. Accordingly, the Writ Petition is allowed to be withdrawn and disposed of as such, subject to above.

[MADHAV J. JAMDAR, J.]