

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CIVIL APPLICATION NO. 700 OF 2016
IN CP/161/2015**

ABHIMANYU KALE AND ANOTHER
VERSUS
MANMATH RAMRAO VHANRAO

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Advocate for Applicants : Mr. Pulkundwar Santosh B.
Advocate for Respondent : Mr. U.G. Mete h/f Mr. S. B.
Solanke

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CORAM : S.S. SHINDE & P.R. BORA, JJ.**Dated: January 21, 2016**

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PER COURT :-

Not on board. Taken on board.

2. Heard the learned counsel appearing for the applicants and the learned counsel appearing for the respondent i.e. original petitioner.

3. Today Respondent No.1 – Abhimanyu S/o Raghunath Kale, Chief Executive Officer, Zilla Parishad, Nanded is present before this Court.

4. The learned counsel appearing for the Respondent No.1-original petitioner has vehemently opposed the prayer in the application. He submits that, the false affidavit is filed by the applicants and therefore, the heavy cost may be imposed upon them.

5. We have heard the learned counsel appearing for the parties. It appears that, Mr. Ghatol Patil, the learned counsel appearing for applicants/original respondent nos. 1 and 2 is hospitalized on account of his illness and therefore, his junior colleague has informed the applicant no.1/original Respondent No.1 he need not remain present on 18th January, 2016, which was the date fixed for hearing of the Contempt Petition. Therefore, since the applicant no.1/original Respondent No.1 was not present, this Court to secure his presence issued non-bailable warrant against him.

6. However, in the light of the averments made in the application and the fact that, the applicant no.1/original Respondent No.1 has tendered unconditional apology in para 6 of the application, the order dated 18th January, 2016 issuing non-bailable warrant to secure his presence stands recalled. However, we make it clear that, as and when the Contempt Petition will be heard by this Court, both the contemnors will have to remain present before this Court.

7. The Civil Application is allowed in terms of prayer clause 'B' and same stands disposed of.

(**P.R. BORA, J.)**

(**S.S. SHINDE, J.)**

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