

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.15148 OF 2018
IN
CONTEMPT PETITION NO.425 OF 2016
IN
WRIT PETITION NO.7617 OF 2013**

Balaji s/o Mallikarjun Bhagshetti,
Age: 52 years, Occu: Secretary,
Rashtriya Ekaatmata Shikshan
Prasarak Mandal, Kumtha (Bk),
Tq. Ahmedpur, Dist. Latur

..APPLICANT

VERSUS

Sow. Sheela Sarsu Hanumante,
Age: 44 years, Occu: Service,
R/o Nanded, Tq. & Dist. Nanded

..RESPONDENT

Mr A. N. Sabnis, Advocate for applicant;
Mr A. R. Devkate, Advocate for respondent

**CORAM : PRASANNA B. VARALE
AND
SMT. VIBHA KANKANWADI, JJ.**

DATE : 22nd December, 2018

ORAL ORDER:

Heard Mr Sabnis, learned Counsel appearing on behalf of the applicant.

2. By an order dated 16th October, 2018, this Court issued non-bailable warrant against respondent Balaji Mallikarjun Bhagshetti. Mr Sabnis, learned Counsel for the applicant, at the very outset, submits that the default

(2)

of the applicant is not at all pardonable and further submits that the applicant tenders unconditional apology to this Court and begs for mercy. He then submits that due to certain unavoidable situation, the applicant was unable to respond to the notice of this Court and was also unable to respond to his own Counsel.

3. Mr Sabnis, learned Counsel invited our attention to para 3 of the present application to state that as brother-in-law of the applicant was seriously ill, he was under treatment and unfortunately could not survive and expired on 10th February, 2018. He further submits that in response to the compliance of the order of this Court, the applicant had already submitted updated service book on 17th January, 2018. He then submits that the applicant assures that if there is any shortfall, he is ready to remove that shortfall by providing necessary assistance to the Education Officer, as the original record is available with the Education Officer. He then submits that the applicant also assures this Court that insofar as the salary issue and the proposal for regularization of the service is concerned, the applicant undertakes to complete that aspect also within a period of one week from today.

4. In view of the undertaking given to this Court by way of present application and in view of the submissions of the learned Counsel for the applicant, we recall our order dated 16th October, 2018 and post the matter

(3)

for compliance of the undertaking by the applicant on 11th January, 2019.

(SMT. VIBHA KANKANWADI, J.)

(PRASANNA B. VARALE, J.)

sjk