

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 12 OF 2018
IN
CONTEMPT PETITION NO. 4 OF 2014

Tushar Thombare. ..Applicant.

In between

Manorama M. Dhage and Others. ..Petitioners.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. P. G. Sawant, AGP for the Applicant – State.

Mr. Sandip Phatak i/b Mr. S. B. Deshmukh for the Petitioner.

Coram : RANJIT MORE &
PRAKASH D. NAIK, JJ.

Date : **February 16, 2018.**

P. C. :

1. On 29th January 2018, this Court passed following order :

“Despite the orders dated 13th February, 2017 and 21st April, 2017, no affidavit-in-reply has been filed on behalf of the respondent-State. Thereafter, the matter appeared on 22nd January, 2018, when the learned AGP sought time. By way of indulgence and last chance, we granted a week's time to the State to file reply and adjourned the hearing of the Petition on 29th January, 2018. Today also, the affidavit-in-reply is not filed by the State. The learned AGP submitted that even the officer is not present despite communication.

2. In the circumstances, we direct the respondent No.3-Tushar Thombare, Deputy Collector and the Deputy Director of Rehabilitation (Land), Pune, to remain present before this Court on the

next date. Stand over to 5th February, 2018.”

2. On 13th February 2018, when the above contempt petition was placed before this Court, Respondent No.3–Applicant herein, did not remain present despite communication of the said order had been given to him. Defiance on the part of Applicant being found to be reprehensible, we were left with no alternative but to issue bailable warrant against him, which we issued under our order dated 13th February 2018. Awakening from slumber, Respondent No.3 has by the present application, prayed for recall of the said order.

3. Today, original Respondent No.3–Applicant herein (Mr. Tushar Tombare) appeared before us and pointed out that he has been transferred to Sangli as District Resettlement Officer. It is also pointed that order dated 29th January 2018 was communicated to the concerned Special Land Acquisition Officer at Pune. Inadvertently, the same was not communicated to the Respondent No. 3 and therefore, he could not remain present before this Court on 13th February 2018. Mr. Sawant, learned AGP submitted that the statement in paragraph 2 of the order dated 13th February 2018 that Respondent No. 3 is communicated the order dated 29th January 2018 is inadvertently made. He tendered oral unconditional apology for the same.

4. Be that as it may, Respondent No.3 has by filing civil application tendered unconditional apology. He also submitted that he will remain present in the Court as and when directed. Taking lenient view of the matter, we accepted the apologies tendered by the Applicant as well as by Mr. Sawant, the learned AGP.

5. In above circumstances, the order dated 13th February 2018 is recalled. Let the contempt petition come up for admission on 28th February 2018.

[PRAKASH D. NAIK, J.]

[RANJIT MORE, J.]