

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 13393 OF 2019 IN
WRIT PETITION NO. 13533 OF 2019**

Ramesh s/o Govindrao Anantwar

Applicant

Versus

The State of Maharashtra
& another

Respondents

Mr. P.S. Shinde, advocate for the applicant.
Mr. S.G. Karlekar, AGP for Respondent No. 1.

**CORAM : S.V.GANGAPURWALA &
AVINASH G. GHAROTE,J J.**

DATE : 15th November, 2019

PER COURT:

1 On 7th November, 2019, we had passed the following
order:

1 Learned counsel for the petitioner submits that execution has been filed in April 2019. Respondents appeared in the execution proceeding on 13.05.2019 and sought adjournments. The learned Judge, Family Court, Nanded, has informed the petitioner that the Family Court would proceed with the Darkhast only after the writ petition filed by respondent No. 2 bearing stamp No. 28420/2019 is decided. Respondent No. 2 is not taking circulation of the said writ petition.

2 The learned Judge, Family Court, Nanded, before whom the execution filed by the petitioner bearing Regular Darkhast No. 08/2019 is pending, shall submit report to this

Court about the genuineness of the contentions of the petitioner that the learned Judge, Family, Court, Nanded, has expressed that execution proceedings will not be proceeded till writ petition filed by present respondent No. 2 is decided. The explanation/report shall be submitted within three weeks. If we find that the contention of the petitioner to be incorrect, petitioner shall be ready to face consequences of contempt.

3 Stand over to 28.11.2019.

2 The said order was passed after we had asked the learned Counsel for the petitioner whether the petitioner maintains the statement that the learned Judge of the Family Court had opined that the Family Court would proceed with the Darkhast only after the writ petition filed by Respondent No.2 bearing St.No.28420 of 2019 is decided.

3 Now, present Civil Application is filed tendering unconditional apology for the statement made in paragraph 9 of the memo of the writ petition and seeking recall of the order dated 07.11.2019.

4 When a statement is made in the pleadings, it is the statement on oath. Even the advocate along with litigant is also responsible for such statements made. An advocate owes a solemn duty to the Court when a particular statement is made in the pleadings and the same is reiterated by the learned

advocate.

5 Considering the unconditional apology tendered by the petitioner, we recall the order dated 07.11.2019. The petitioner is admonished that in future, if such casual statements are made, then the petitioner would be hauled for contempt.

6 Civil Application is disposed of.

AVINASH G. GHAROTE
JUDGE

S.V.GANGAPURWALA
JUDGE

adb/