

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

CIVIL APPLICATION STAMP NO.39421 OF 2019

IN

WRIT PETITION NO.3813 OF 2018

DHONDIBA S/O NARAYAN GAIKWAD

VERSUS

SHRIDHAR S/O MURLIDHAR YEWALE & OTHERS

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Advocate for Petitioner in WP : Mr. D.B.Pokale.
AGP for Respondents-State : Mr. S.B.Pulkundwar.

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**CORAM : S.V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.**

DATE : 11.12.2019

PER COURT :-

1. As a last resort and reluctantly we had to issue Non-Bailable Warrant to Respondent No.3 – Tahsildar, Georai on 18.11.2019. We were constrained to pass the said order as Respondent No.3 was consistently not responding to the orders passed by this Court. On 18.11.2019, we had issued Non-Bailable Warrant by recording the following observations :

“2. Under our order dated 22.08.2019, we had directed the respondent No.3 /Tahsildar, Georai to personally remain present in the court. Though the order was intimated to the respondent No.3, the respondent No.3 did not respond. We had observed under our order dated 30th September, 2019 that the attitude of the respondent No.3 is totally in defiance to the order passed by this Court. We issued non bailable warrant to the respondent

No.3 in sum of Rs.10,000/- for securing his presence.

3. Today also, the respondent no.3 is absent. On the contrary he has instructed the learned A.G.P to seek time as record is not available.

4. The respondent No.3 is a Government servant. It appears that, the respondent No.3 thinks himself to be above the law.”

2. The Non-Bailable Warrant was issued to secure the presence of Respondent No.3 and for no other purpose. The application is filed by the Respondent No.3 seeking his release.

3. The Non-Bailable Warrant is executed and Respondent No.3 – Tahsildar namely Dhondiba Narayan Gaikwad is present in the Court. He is produced in the Court by API, Georai Police Station.

4. The affidavit is also filed by Respondent No.3 to the main petition.

5. As the Non-Bailable Warrant was issued only with a view to secure his presence and not for any other purpose. We release Respondent No.3 unconditionally forthwith.

6. The Civil Application is disposed off.

(AVINASH G. GHAROTE, J.)

(S.V. GANGAPURWALA, J.)

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vmk/-