

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

WRIT PETITION NO.9618 OF 2013

THE CITY MUNICIPAL COUNCIL, AMBAJOGAI
..PETITIONER

VERSUS

SATISH SATYANARAYAN SHARMA ..RESPONDENT

...

Mr. Vivek V. Bhavthankar, Advocate for the
Petitioner.

Mr. S. S. Kulkarni, Advocate for sole Respondent.

...

CORAM : S. V. GANGAPURWALA, J.

DATED : 14th JANUARY, 2022.

PER COURT:-

1. The present petition is filed against the order directing payment of fine by the present petitioner on the ground that the petitioner is guilty of dereliction and not attending the Court. Because of the petitioner, the matter was required to be adjourned on four occasions. The Court also observed that, the petitioner has created false record of treatment.

2. Mr. Bhavthankar, learned counsel for the petitioner submits that, the petitioner was ill and was taking treatment. The false record was not created by him. The petitioner was not deliberately absent. The documents to that effect are filed on record.

3. It appears that, the matter was required to be adjourned at the behest of the petitioner. The petitioner did not remain present. As such, I am not inclined to interfere with the order passed by the Trial Court directing payment of fine of Rs.500/-.

4. As far as Clause 3 of the order is concerned, considering that the said Mr. Poshetti is in service and the same should not affect his service, the Clause 3 of the impugned operative order is quashed and set aside.

5. Writ Petition accordingly disposed of. No costs.

(S. V. GANGAPURWALA)
JUDGE