

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CIVIL APPLICATION (CAW) NO. 1898 OF 2023

IN

WRIT PETITION NO. 7784 OF 2022

(Prafulla Sahabrao Deshmukh ..vs.. The Divisional Commissioner, Amravati and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.M. Vaishnav, Counsel for the petitioner,
Mrs. Kalyani Deshpande, AGP for respondent 1,
Mrs. S.S. Jachak, Counsel for respondent 2.

**CORAM : ROHIT B. DEO &
M.W. CHANDWANI, JJ.**
DATED : 27-06-2023

On 16-6-2023 we noted that there was no appearance on behalf of respondent 2-Chief Executive Officer, Zilla Parishad, Buldhana, (CEO) and issued bailable warrant to secure the presence of the CEO on 30-6-2023.

2. The learned Counsel for the CEO points out that the notice issued was made returnable on 23-6-2023 and she filed the Vakalatnama on 19-6-2023. However, without informing respondent 2, the petitioner circulated the matter on 16-6-2023.

3. Since on 16-6-2023 there was no Vakalatnama filed on behalf of respondent 2, the order of bailable warrant came to be issued. We

recall the order of bailable warrant. However, the matter cannot end there.

4. We direct the learned Counsel for the petitioner to file personal affidavit whether he has circulated the matter on 16-6-2023 without giving due intimation to respondent 2. If the matter is indeed circulated by the learned Counsel for the petitioner without giving due intimation to respondent 2, without waiting for any further order the petitioner to pay costs of Rs.10,000/- (Rupees Ten Thousand) to the CEO.

5. We expect the learned Counsel for the petitioner to pay the costs within seven days, if he has indeed circulated the petition on 16-6-2023 without intimating respondent 2, which led us to pass an order which is extremely unjust and unfair to the CEO.

6. Stand over to 07-7-2023.

(M.W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

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