

JPP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 890 of 2015

Mr.Balkrishna Govind Midge

.. Petitioner

Vs.

The Director,
Dhanesh Auto Electricals Ltd.
(Presently as Lumax Auto
Technologies Ltd.) & ors.

.. Respondents

Mr. Omkar Nagvekar i/b Mr. P.R. Arjunwadkar, for the Petitioner
Ms Prakash Shinde a/w. Ms. Ambreen Sahed i/b MDP & Partners
for Respondents.

CORAM : N.M.JAMDAR, J.

DATE : 09 DECEMBER, 2015

P.C. :

On 23 November 2015, following order was passed and
the Petition was listed for dismissal :-

“ By the Writ Petition No.890 of 2015, the Petitioner who is a practising advocate has sought to quash the orders passed by the Labour Court and the Industrial Court. An application was filed by the Respondents for discharging the Petitioner. In the said application the Petitioner called upon the Labour Court to fix the quantum of fees payable to him which the Labour Court and Industrial Courts have done. Once these Courts have decided, irrespective of the question whether they have the power to do so, the factum of fees, it is not expected, neither it befits an Advocate to keep litigating

on fees and to bring the matter to this Court in its equitable jurisdiction and call upon this Court to fix his professional fees. This was made clear to the learned counsel for the Petitioner on the earlier occasion. However the matter does not rest at that, when another petition bearing No.10459 of 2015 came up on board, it was noticed from the impugned order that in similar circumstances in respect of some other litigant, the concerned Advocate Mr.Balkrishna Govind Midge has created various difficulties in proceeding with the matter, which the learned Judge has observed in the impugned order. Such conduct on the part of an Advocate has to be deprecated. An Advocate is not expected to conduct himself as an ordinary litigant and must uphold high standards of the profession.

2. Request is made on behalf of the Petitioner for adjournment. Place the Writ Petition No.890 of 2015 for dismissal on 9 December 2015.

3. As regards Writ Petition No.10459 of 2015 is concerned, it appears that the proceedings are being held up since the discharge application filed by the Petitioner therein of Mr.Midge has not been decided by the Labour Court. The Labour Court Satara, before the next date shall decide the application filed by the Petitioner for discharging their Advocate. Registry to communicate.”

2. When the matter is called out, time is sought on behalf of the Advocate on record for the Petitioner and he has no instructions to go on with the matter. Enough indulgence is already shown. Writ Petition is dismissed for non-prosecution.

(N.M.JAMDAR, J.)