

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

WRIT PETITION NO. 1022 OF 2014

Nagraj Sudam Shinde ... Petitioner
Vs
1. The State of Maharashtra & Anr. ... Respondents

Mr. Priyal G. Sarda for the Petitioner.

Ms. Sushma Bhende, AGP, for the Respondent No.1.

Ms. Leena Patil for the Respondent No.2.

***CORAM : S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.***

SATURDAY, 15TH OCTOBER, 2016

P.C. :

1. On last several occasions, we waited for the petitioner's advocate to argue this case. It was stated that Mr. Sarda has been engaged by the petitioner to argue the case.

2. On the earlier occasion, the matter appeared and none was present. Meaning thereby, Mr. Sarda or the petitioner. We adjourned the matter. Thereafter the reply affidavit has also been filed. After the reply affidavit was filed, on the earlier occasion and we perused it with the assistance of the learned

advocate for respondent No.2, we found that Mr. Sarda was in some difficulty. Once again, we accommodated and adjourned the matter.

3. Today, when the matter was placed for passing orders, Mr. Sarda states that the petitioner does not wish to continue with him as an advocate. The petitioner's wish and desire is that he would personally appear in the Court and argue this case.

4. We do not countenance such requests, especially when the petitioner has engaged an advocate, namely, Mr. Sarda and we were willing to hear him. It is unfortunate that the petitioner conveys through Mr. Sarda his inability to argue the case today. To our mind, the petitioner had sufficient opportunities to argue his case, either in person or through an advocate. Since the petitioner is absent and Mr. Sarda has not been instructed to argue the writ petition, we dismiss it for want of prosecution.

B.P. COLABAWALLA, J. S.C. DHARMADHIKARI, J.