

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10909 OF 2015**

Mr. Harbin Navinchandra Jhaveri : Petitioner
versus
Kirtikumar Girdharlal Shah and ors. : Respondents.

Mrs. Sonal H. Jhaveri, Constituted Attorney of the Petitioner present in person.

Mr. R R Singh i/by Jaiprakash Shukla for the Respondents.

CORAM : R. M. SAVANT, J.
DATE : 07th January 2016

P.C.

1 The above Writ Petition takes exception to the three orders passed on Exhibit 36, Exhibit 39 and Exhibit 43 filed by the Petitioner in the Marji Application No.533 of 2011.

2 In so far as the Application (Exhibit 36) is concerned, by the said Application the Constituted Attorney of the Plaintiff Mrs. Sonal Harbin Jhaveri, who is his wife, has sought permission to cross examine the D.W.No.1. In so far as the Application (Exhibit 39) is concerned, the Plaintiff has filed the said Application praying that action be taken against the advocate appearing for the Defendants. In so far as the Application (Exhibit 43) is concerned, by the said Application the Plaintiff has sought 8 weeks time to challenge the legality of the order passed below Exhibit 39. The said Applications (Exhibits 36, 39 and 43) have been rejected by the Trial Court by the orders dated 16.10.2015, 27.10.2015 and 27/10/2015 respectively

3 In my view, there is no merit in the challenge in so far as the orders passed on Exhibit 36, Exhibit 39 and 43 are concerned. A power of attorney cannot obviously cross examine a party on behalf of the person who has given the power of attorney as the facts are within the knowledge of the person who has given the power of attorney. Hence the challenge to the order passed on the Application (Exhibit 36) would fail.

4 In so far as the order passed on the Application (Exhibit 39) is concerned, the said Application was thoroughly misconceived as it is not within the domain of the Court to take disciplinary action against the advocate.

5 In so far as the order passed on the Application (43) is concerned, the Trial Court has observed that as the matter is time bound and therefore granting time of 8 weeks to the Plaintiff will amount to adjourn the matter beyond the time granted by this Court. Hence the Trial Court has rightly rejected the said Application (Exhibit 43).

7 In that view of the matter, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]