

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION**

**JUDGE'S ORDER (L) NO. 128 OF 2016
IN
NOTICE OF MOTION NO. 1462 OF 2016
IN
APPEAL NO. 407 OF 2016
IN
JUDGE'S ORDER NO. 69 OF 2015
IN
NOTICE OF MOTION NO. 235 OF 2015
IN
EXECUTION APPLICATION (L) NO. 103 OF 2015**

IN THE MATTER OF :

Prakash Ganpat Sawant	..	Appellant
versus		
Ravindra Babaji Satam & Ors.	..	Respondents

Mr. Prakash G. Sawant – Appellant present in person.
Mr. N. N. Gavhane for Respondent No. 1.

**CORAM: DR. MANJULA CHELLUR, C. J. AND
M. S. SONAK, J.
DATE : 28 SEPTEMBER 2016**

P.C.:

1] We have heard Mr. Prakash Ganpat Sawant, who appears in person.

2] Mr. Sawant submits that he is entitled to execute the judgment and decree in Original Suit no. 3993 of 1997. However, on account of the order made by this court on 25 November 2003 in Misc. Petition No. 35 of 2003 under the Maharashtra Vexatious Litigation

(Prevention) Act, 1971 (said Act) he is disabled from doing so, unless, leave is granted by this court. Accordingly, by this *Judge's Order*', Mr. Sawant seeks leave.

3] The perusal of the record indicates that the Original Suit no. 3993 of 1007 instituted by Mr. Sawant, was in fact dismissed by this Court on 18 June 1999. The appeal against the same was dismissed by the Appeal Bench on 4 August 1999. The Special Leave Petition against the same was also dismissed. As such, it is quite clear, that there is nothing remaining for Mr. Sawant to execute.

4] Notwithstanding the aforesaid, it appears that Mr. Sawant persists in filing several chamber summons, notices of motion and similar such proceedings in this Court. Such proceedings are not only prejudicial to the respondents therein but also unnecessarily consume valuable judicial time. Ultimately, the then learned Advocate General, State of Maharashtra instituted Misc. Petition no. 35 of 2003 under the said Act. By order dated 25 November 2003, Mr. Sawant is restrained from filing further applications in respect of the subject matter of the Original Suit no. 3993 of 1997 unless he obtains the leave of the Court under Section 2 of the said Act. The Appeal against the order dated 25 November 2003 was dismissed by the Division Bench of this Court by observing that Mr. Sawant is abusing the process of the Court by filing frivolous applications and proceedings one after the other, in a suit which has already been dismissed.

5] The learned Single Judge of this Court in Judge's Order 40 of 2014 taken out by Mr. Sawant, not only dismissed Mr. Sawant's application seeking leave under Section 2 of the said Act but further, noting that Mr. Sawant was persistently abusing the process of the

court; imposed costs of Rs.50,000/- upon him. However, by order dated 30 June 2014, the Division Bench perhaps out of sympathy for Mr. Sawant set aside the order imposing costs.

6] Mr. Sawant, emboldened by the aforesaid, has once again made a similar application seeking leave in order to execute the decree in Original Civil Suit 3993 of 1997, even though, the said suit has been dismissed and there is nothing left for Mr. Sawant to execute. In the past, applications for execution have also been dismissed. Applications, similar to the one under consideration have also been dismissed. Clearly therefore Mr. Sawant is only interested in abusing the process of the Court.

7] We also note that '*Judge's Order*' is applied for when formal orders are required to be passed and upon which any serious contest is not expected. In terms of Rule 16(B) of the Maharashtra Vexatious Litigation (Prevention) Rules 1976, a vexatious litigant is required to seek leave by means of an application to which the Advocate General has to be made a co-opponent. Further, copy of such application is required to be served upon the Advocate General. In such circumstances, seeking leave to institute proceedings by means of '*Judge's Order*' is not maintainable.

8] We however add that we are not dismissing these proceedings only on the ground of maintainability. As noted earlier, we are satisfied that this is not a fit case for grant of any leave. Rather, these proceedings are required to be dismissed with costs of Rs.5,000/- (Rupees Five Thousand).

9] Accordingly, these proceedings are dismissed with costs of Rs.5,000/- (Rupees Five Thousand). Mr. Sawant is directed to pay such costs within a period of two weeks to the Maharashtra State Legal Services Authority.

CHIEF JUSTICE

(M. S. SONAK, J.)

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