

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3776 OF 2018

Sangita Sanjay Kumar Jhunjhunwala	...Petitioner
v/s.	
State of Maharashtra & ors.	...Respondents

...

Mr.Ghanshyam Upadhyay a/w Kamlesh Mishra i/b Law Juris for the
 Petitioner.
 Ms.Jyoti P. Jadhav, AGP for the State.

...
CORAM : A.A. SAYED &
V.L.ACHLIYA, JJ.

DATED : 26 MARCH 2018

P.C.:

The only substantive relief claimed in the Petition is as follows:

(a) that this Hon'ble Court may be pleased to issue a writ of certiorari/mandamus and/or any other appropriate writ, order and/or direction in the nature of certiorari/mandamus, thereby calling for the records and papers concerning initiation of action/proceeding by the Respondent No.3 against the Petitioner under SARFAESI Act, 2002 concerning the flat premises of the Petitioner and may be further pleased to quash and set aside the same, including the order dated 12-01-2018, passed by the learned Chief Metropolitan Magistrate, being Exhibit "E" annexed to the Petition;

2. The Petitioner has admittedly not challenged section 13(4) notice. The Petitioner has an alternate remedy before the DRT. In the circumstances, we are not inclined to entertain the Petition. The Petition

shall accordingly stand dismissed.

3. Before closing we are constrained to observe that the conduct of Mr.Ghanshyam Upadhyay, learned Counsel for the Petitioner as an officer of the Court is found much wanting. Despite disclosing that we are not inclined to entertain the Petition in view of the alternate remedy available to the Petitioner, the learned Counsel kept arguing the matter and when we started dictating the order, the learned Counsel was about to leave the Court in a huff, when we admonished him that as an officer of the Court he is required to wait till the order is dictated. It is thereupon that the learned Counsel tendered an apology and sat down. In view of the apology tendered we have restrained ourselves from issuing contempt notice. We have noticed similar conduct by the learned Counsel for the Petitioner in another matter wherein the earlier Bench had issued Contempt Notice and on the learned Counsel tendering an apology the Contempt Notice was recalled at a later stage. It is expected of the learned Counsel for the Petitioner who is relatively young at the Bar and has a long way to go in practice, that in future he would conduct himself in a manner befitting an officer of the Court. We leave it at that!

(V.L.ACHLIYA,J.)

(A.A.SAYED, J.)