

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.216 OF 2017
WITH
CIVIL APPLICATION NO.351 OF 2017
IN
APPEAL FROM ORDER NO.216 OF 2017

Harbhajan Singh B. Ajimal	...Appellant
Vs.	
Mr. Chitnan Arun Zaveri	...Respondent

Mr. Harbhajan Singh B. Ajimal, Appellant-in-person present in Court.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 18TH SEPTEMBER, 2018.

P.C. :

1. Heard the Appellant who is appearing in person.
2. He had challenged the order dated 05.01.2017 passed by the City Civil Court, Mumbai below the application Exh.8 in S.C.Suit No.227/2017.
3. The said application was taken out by the appellant himself seeking permission to conduct the suit in person. The Trial Court has rejected the said application holding that as the suit is for specific performance of the agreement and it involves question of facts and law, the appellant has not shown any legal background and hence, it was held that for effective adjudication of the matter and for determining the rights of the parties and in the interest of justice, it would not be just to permit the appellant to appear-in- person.

4. While challenging this order of the Trial Court, the appellant has in his appeal memo itself given the details of about 24 proceedings, in which he has appeared in person in this Court. He has submitted that he has also appeared in person in Small Causes Court and in various matters in City Civil Court. Though the opposite side in these matters was represented by the advocate, he had succeeded in majority of the matters, and therefore, it is submitted by him that he can render able assistance to the Court for effective adjudication of the matter. According to him, the Trial Court had not even enquired with him or asked him as to whether he can render such legal assistance and whether he has any experience in legal matters. Without ascertaining these facts, the Trial Court has passed the impugned order rejecting him the permission to conduct the suit in person according to him needs to be set aside.

5. As per the order passed by this Court, the report from the Committee, which was formulated in view of the provisions of Chapter IV-A of Bombay High Court Appellate Side Rules was called for. The said Committee has called the appellant for interaction and submitted its report. The said report also goes to show that the appellant had appeared before the Committee for interaction and the Committee found that on the basis of the said interaction that the appellant would be in a position to assist this Court effectively in disposal of the present matter.

6. Therefore, considering that the appellant has already appeared in person in more than 30 matters in this Court and in Small Causes Court for

more than 50 matters and in majority of the matters he has succeeded and having regard to the report of the Committee also, it would be just and proper to hold that the appellant would be in a position to assist the Trial Court in an effective adjudication of the disposal pending before it.

7. The Appeal is, therefore, allowed. The impugned order passed by the Trial Court is set aside. The application preferred by the appellant to appear-in-person for conducting the suit stands allowed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]