

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

**CIVIL APPLICATION NO. 1959 OF 2017
IN
WRIT PETITION NO. 8300 OF 2016
WITH
CIVIL APPLICATION NO. 1955 OF 2017
IN
WRIT PETITION NO. 8173 OF 2016
WITH
CIVIL APPLICATION NO. 1958 OF 2017
IN
WRIT PETITION NO. 8174 OF 2016**

Shaikh Mohd. Shabbir	...	Applicant
V/s.		
The Municipal Corporation		
Greater Bombay & Ors.	...	Respondents

- Mr. Shaikh Mohd. Shabbir, Applicant-in-person is present.
- Mr. Pradeep M. Patil for Respondent Nos. 1 to 4.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 3rd APRIL, 2018.

P.C. :

1] By the above three Civil Applications, the Applicant is seeking restoration of the Writ Petition Nos. 8300 of 2016, 8173 of 2016 and 8174 of 2016, which came to be dismissed, by this Court, by its order dated 5th July 2017.

2] The Applicant wants to appear in-person and for that purpose he has filed the present application. The office report of the Scrutiny Committee of Registrars dated 17th September 2016 clearly state as follows:

“On the basis of perusal of proceedings and the interaction with the Applicant, the Committee is of the opinion that the Applicant would not be able to provide appropriate assistance, as contemplated by the Bombay High Court Appellate Side Rules, to the Court for disposal of case.”

3] The Applicant has challenged this report of the Committee, disallowing him to appear as party in-person in Writ Petition Nos.8300 of 2016, 8173 of 2016, 8174 of 2016 and First Appeal No.2753 of 2007, by filing Writ Petition No. 6109 of 2017 before the Division Bench. The Division Bench has by its order dated 7th July 2017 rejected the said challenge of the Applicant to the opinion of the Committee on the ground of it being misconceived and premature.

4] According to the Petitioner, paragraph No.2 of the said order, which reads as follows, gives him liberty to apply this Court for appearing in-person.

“2. We find that the Petitioner has not filed in the writ petition the decision of the Committee. Even otherwise in our considered view under Rule 7 of Chapter IV A of

Bombay High Court Appellate Side Rules, the discretion to allow litigant/s to appear in person and conduct the proceedings in the Court is of the Court before which the matter lies inspite of there being an adverse report of the Scrutiny Committee under Rules 2 and 2 of the said Rules.”

5] In my considered view, in view of the adverse report of the Scrutiny Committee, the Applicant cannot be permitted to appear in-person, as he will not be in a position to provide appropriate assistance to this Court in disposal of these Writ Petitions.

6] In view thereof, these Civil Applications which are filed seeking permission to appear in-person cannot be entertained; therefore stand rejected.

[DR.SHALINI PHANSALKAR-JOSHI, J.]