

THE HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.1959 of 2018

ORDER:

Heard Mr.Srinivasa Rao Putluri, counsel for petitioner.

The revision is directed against un-numbered I.A. filed by revision petitioner under Order III Rule 4 of the Civil Procedure Code.

The prayer of petitioner is as follows:-

“It is therefore prayed that in view of the reason and fact stated supra and vexed with his irresponsible response, I may be permitted to engage Mr.K.Raghottham Reddy, Advocate, Manthani who is good and convenient to file cheque petition in respect of my claim of compensation ignoring any objection if any from N.Laxman Rao, by recording the reason on this affidavit, for which I shall ever pray.”

The trial court rejected the request of the petitioner and issued a direction that N.Laxman Rao, advocate is directed to represent the matter before the Court within 30 days, from the date of its order, failing which the petitioner will be at liberty to engage another counsel of his choice.

Though Mr.Srinivas Rao Putluri raised several contentions including the authority of trial Judge to direct Mr.N.Laxman Rao to appear for the petitioner. According to him, the rejection of prayer to engage another advocate suffers from failure to exercise the jurisdiction conferred on

the trial Court and further direction issued to continue to engage the advocate who is sought to be substituted is beyond the jurisdiction of trial Court. According to him, the relationship between client and counsel is well defined and the Court has no role to play in this.

This Court has ordered notice to the learned counsel who appeared for the revision petitioner. Mr.Ravinder Reddy submits that the advocate is not interested in continuing to appear for revision petitioner and he is also prepared to give no objection.

Mr.Srinivasa Rao Putluri submits that as an affidavit is filed, the same may be accepted without any formality to obtain No Objection Certificate. The deliberation of this issue can go that far and not beyond.

Civil Revision Petition is allowed and the affidavit filed by the revision petitioner under Order III Rule 4(2) of CPC is accepted and given liberty to engage the advocate of his choice. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 20.04.2018
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