

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

905 WRIT PETITION NO.4421 OF 2014

MOTIRAM NARAYAN JOHARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. M.R.Malpani h/f Mr. Kale
Ajeet B.

AGP for Respondent no.1 : Mr. P.N.Kutti

**CORAM : T.V.NALAWADE
AND
SUNIL K.KOTWAL, JJ.**

DATE : JANUARY 22, 2019

O R D E R :

Advocate Mr. M.R.Malpani holding for Mr. Ajit B. Kale, learned counsel submitted that advocate Mr. Kale intimated to his client that he is not willing and comfortable to argue before this Court and so he is withdrawing his appearance from the said proceeding.

2. There is nothing on record to show that proper procedure was followed. Advocate cannot withdraw his appearance without the permission of the Court and the Court cannot allow such withdrawal unless proper

procedure is followed and some arrangement is made. The present situation is not covered by the procedure and the Court is not expected to issue Court motion notice when advocate refuses to argue the matter.

3. Seen the order dated 17.1.2019. It was made clear that if the matter is not argued the matter would be dismissed.

4. As no interest is shown to prosecute the matter, the matter is dismissed for non-prosecution.

[SUNIL K.KOTWAL, J.] [T.V.NALAWADE, J.]

dbm