

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

CIVIL APPLICATION NO.13665 OF 2019
IN WP/2432/2019

RATILAL SHANKAR SHIMPI
VERSUS
ASHOK SHANKAR SHIMPI AND OTHERS

...

Advocate for the Applicant : Shri Bhosle Mahesh K.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 22nd November, 2019

Per Court:

1 The applicant/ original petitioner submits that his GPA holder advocate Shri Kamlesh R. Bhandarkar is tendering an unconditional apology and prays that Shri Bhandarkar now be permitted to appear as an advocate on behalf of the applicant/ original defendant no.1 in Special Civil Suit No.184/2007.

2 Though this Civil Application is titled as a civil application, the same is practically in the nature of a Review Application.

3 The applicant has moved an application exhibit 242 before the Trial Court for seeking permission to engage the same Shri Bhandarkar as his advocate, bypassing the direction of this Court in the order dated 16.09.2019 in Writ Petition No.2432/2019.

4 From the record, it appears that even this applicant has no respect for law. This Court has passed the order on 16.09.2019 observing on the conduct of advocate Shri Bhandarkar, who had terrorized the lady Judge dealing with the matter and though this Court had restrained Shri Bhandarkar from appearing in that court before the said Judge, the applicant moved an application exhibit 242 before the same Court, rather than approaching this Court.

5 The above factors reflect on the conduct and attitude even of this applicant.

6 The observations of this Court in paragraph no.10 of the order dated 16.09.2019 are as under :-

"10. Before parting with this petition, I find it necessary to take cognizance of the conduct of the petitioner. He is said to be the power of attorney holder for his father. The record reveals that every now and then, he was making allegations against the learned Judge (Coram : Smt.Mangala A. Mote), who was dealing with Special Civil Suit No.184/2007. Even in application Exhibit 191, an undesirable language has been used. This conduct of attempting to browbeat and terrorize a Judge, cannot be countenanced, more so when the same learned Judge had granted two months of time to the petitioner to cross-examine plaintiff No.1 and that too after seven months of adjournment before commencing the cross-examination."

7 This Civil Application is, therefore, dismissed by imposing costs of Rs.10,000/- (Rupees Ten Thousand), which the applicant/petitioner shall deposit before the Trial Court in Special Civil Suit

No.184/2007 on or before 30.11.2019, failing which, his defence shall be struck off from the said proceeding. The said amount shall be utilized by the Trial Court for any social cause or for the District Legal Aid Committee.

8 The Trial Court would endeavour to decide the suit within the time frame as is directed by this Court.

kps

(RAVINDRA V. GHUGE, J.)