

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.158 OF 2019

{Rajesh Babansingh Thakur and Ors. ...**Versus**... All India Council for
Technical Education and Ors.}

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri. N. S. Warulkar, Advocate for Petitioner No.2.
Shri. N. P. Lambat, Advocate for Respondent No.1.
Ms. H. N. Jaipurkar, AGP for Respondent Nos.2 and 3.
Shri. P. R. Puri, Advocate for Respondent No.4.
Shri. M. G. Shitut, Advocate for the Respondent Nos.5 and 6.

CORAM : SUNIL B. SHUKRE AND
SMT. M. S. JAWALKAR, JJ.

DATE : 25th APRIL, 2022.

Heard.

2. Shri N. S. Warulkar, learned Counsel for Petitioner No.2 submits that the rest of the Petitioners, who were joint in agitating the common cause of the Petitioners initially, have now parted their ways with Petitioner No.2 as the remaining Petitioners have reached at an amicable settlement with the Management i.e. Respondent Nos.5 and 6.

3. Shri. Shitut, learned Counsel for Respondent Nos.5 and 6 concedes that there has been an amicable settlement between the Respondent Nos.5 and 6 on the one hand and the Petitioner Nos.1, 3, 4, 5 and 6 on the other hand. But, he submits that just because there is an amicable settlement between the Management and the Petitioners except for Petitioner No.2, the Petitioner No.2 cannot be permitted to agitate his cause in this petition

separately from the rest of the Petitioners. He relies upon the case of **Venkatrao A. Pai and Sons Ltd ..Vrs.. Narayanlal Bansilal and Others, 1961 AIR (Bombay), 94.**

4. In the case of *Venkatrao A. Pai* (supra), the objection taken by the Defendants was to the different Plaintiffs, who had jointly filed a Civil Suit, being represented by the different Advocates and on this objection, the learned Single Judge of this Court, held that keeping in view the object of allowing several persons to join as Plaintiffs in one action, the object being to save multiplicity of Suits and consequent wastage of time of the Court, the object would be frustrated if each of these persons is allowed to be represented by separate Counsel and each one of the Counsel is also permitted to be in-charge of the case for his own client. It is further held that if such things are permitted, the wastage of the time of the Court, which is otherwise intended to be saved by allowing several persons to join together as Co-Plaintiffs in one action, could not to be saved. Therefore, the learned Single Judge of this Court held that although, it is open to the Plaintiffs to engage as many Counsel as they want, all the Counsel or Advocates engaged by them must appear jointly for all of them and only one of such Counsel or Advocates would have the right to be in-charge of the case on behalf of all of the Petitioners.

5. There can be no quarrel with the proposition of law so propounded by the learned Single Judge in the case of *Venkatrao A. Pai* (supra). However, in this case although, the Petitioner Nos.1, 3, 4, 5 and 6 have been

represented by different Advocates than the one representing Petitioner No.2, the other Petitioners are absent before this Court.

6. It appears that they are not interested to prosecute their case individually. In these circumstances, it is only the learned Counsel for Petitioner No.2, who has remained In-Charge of the case pleaded by Petitioner No.2 and as regards the rest of the Petitioners, we are of the view that they may be not interested in prosecuting their case and so, the petition filed by the rest of the Petitioners deserves to be dismissed. Accordingly, we dismiss the petition filed by the Petitioner Nos.1, 3, 4, 5, and 6, without imposing any cost upon them. Now, this petition shall be heard as filed only by Petitioner No.2 and we propose to take it for final hearing on 28th April 2022.

7. Civil Application No.840 of 2022 and Civil Application No.97 of 2021 are disposed of accordingly.

8. Stand over to **28th April, 2022.**

(JUDGE)

(JUDGE)

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