

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6428 OF 2024
WITH
INTERIM APPLICATION NO. 8288 OF 2024
WITH
WRIT PETITION NO. 6941 OF 2017

Bhagwat Vithoba Sarade

.. Petitioner

Versus

Datta Namdeo Sarade & Ors.

.. Respondents

.....

- Mr. Nitesh S. Nevshe a/w Mr. Vishal N. Nevshe, Advocate appointed for Petitioner
- Ms. Siddhi Bhosale i/by D.S. Mhaispurkar for Respondent Nos. 10 to 12

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 28, 2024

P. C.:

1. These Petitions are listed at Sr. No. 57 on today's Board. They are taken up at 2:30 p.m.

2. Submission made by the Petitioner are placed before me at 12:00 noon by the Registrar (Judicial-I) in the form of a note. It is stated therein that Petitioner has filed two Petitions i.e. Writ Petition Nos. 6428/2024 & 6941/2017. That they are listed at Sr. No. 57 today. These Petitions were mentioned before me on 30.07.2024 for the first time by the Petitioner in person late in the evening at the time of rising. He appeared in person before me in Court wearing ragged clothes and persuaded me to hear his grievance. He was unable to

hear anything as he appeared to be deaf. When the matter was mentioned by him, lot of efforts were taken by the Advocates present in Court and the Court staff to make this Court understand his grievance in the first instance. He informed Court that he has filed Writ Petition No. 6428/2024 and requested the Court to list the said Petition urgently. He also informed me that he had travelled all the way from Solapur to appear in the Petition but his Advocate was not present for seeking an early listing of the matter at an early date. Considering his request, his Petitions were directed to be listed on 01.08.2024 under the caption "First on Board" in view of the statement made by him that otherwise he will have to return to Solapur. The challenge in the Petition pertains to Plaintiff's Application for leading evidence being rejected by the Trial Court.

3. On 01.08.2024 Petitioner was duly represented by Advocate. Record indicates that learned Advocate for Petitioner informed Court that she was appointed through Legal Aid but she was also helpless in understanding his grievance and instructions. Record indicates that Petitioner had also sought permission from the Committee of the Court to represent his case in person. That permission is rejected by the Committee on the basis of the reasons stated in the order of the Committee.

4. The matter was thereafter listed on 08.08.2024 when it did not reach due to paucity of time. Accordingly it was adjourned to 28.08.2024 i.e. today. Today in the afternoon session this Court has already notified a separate assignment which was informed to all by notice on 26.08.2024. The matter being at Sr. No. 57 today could not reach but a neatly typed 8 page letter in Marathi language addressed by the Petitioner to the Hon'ble the Chief Justice of this Court is placed before me by the Registrar. In that letter, Petitioner has attempted to give reference of the twin Petitions which are pending and thereafter stated his case on merits extensively and as a sequitur to the statements made in the said letter given a veiled threat that he will sit on a hunger strike at Azad Maidan from 23.09.2024 at 11:00 a.m. onwards if he does not get justice. Copy of the letter is placed before me since the twin Petitions pertain to my roster. In the letter addressed by the Petitioner, it is also stated that Petitioner has engaged one Advocate Mr. Nitesh S. Nevshe.

5. It is seen that one Petition filed in 2017 and second Petition is filed in 2022 but numbered in 2024. This Court passed order on 19.10.2023 allowing Interim Application in terms of prayer clause (b) of Application and permitted Petitioner to remove office objections within six weeks from the date of the order. Thereafter matter was

mentioned before me on 30.07.2024 for the first time by Petitioner in person as delineated herein above.

6. Grievance of Petitioner is that no decision is taken in his twin Writ Petitions and therefore he has expressed his intention to go on hunger strike. I have perused the said letter and I must say that precious judicial time is wasted in doing so. All that is stated in the letter is that both the Petitions are pending in Court Room No. 34 and they are on 28.08.2024. What is important to note is that this letter is dated 27.08.2024 but it is a neatly typed letter clearly addressed in anticipation of the hearing of the Petition today. It is nothing but a premeditated design to pressurize the Court.

7. Petitioner has given a veiled threat to this Court that he will sit on hunger strike on 23.09.2024. It is stated that this Court will not be cowed down by such threats. If Petitioner feels that this Court should consider his Petitions out of turn by giving him priority, he can file an appropriate Application showing urgency, failing which this Court makes it clear to the Petitioner that this Court will not be pressurized with the threat of hunger strike that has been given by the Petitioner to the Court.

8. After the above order is dictated, Mr. Nevshe appeared before this Court alongwith the Petitioner. I have impressed upon Mr. Nevshe to clarify the above position to the Petitioner.

9. At the request of Mr. Nevshe, stand over to **10th September, 2024 at 2:30 p.m.**

Amberkar

[MILIND N. JADHAV, J.]

Digitally
signed by
RAVINDRA
MOHAN
AMBERKAR
Date:
2024.08.29
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