

Kishor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10396 OF 2024

Ajay Shrihari Jambhale

.. Petitioner

Versus

Balasaheb Baban Jambhale And Ors.

.. Respondents

.....

- None for the parties.

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 1, 2024

P. C.:

1. Advocate Mr. Ajinkya Udane appearing for Respondents has circulated praecipe dated 19.08.2024. In that praecipe the Advocate had sought extension of time for disposal of the matter before the learned District Court due to the reasons stated therein. The reasons stated therein are that it is getting very difficult for the Defendants Advocates in the Misc Civil Application to argue the said matter. The said reason is stated because learned District Court is keeping the said matter regularly and on a day to day basis as stated in the praecipe.

2. When the matter is called out, none is present for the parties. It is a duty of the Advocate who has circulated the praecipe to remain present when such praecipe is filed. Such conduct of the Advocate is clearly deprecated by the Court. Filing of such praecipe is also deprecated by the Court. The matter was before this Court on

16.07.2024. Directions were passed by this Court to decide the Misc Civil Application expeditiously within a time bound programme.

3. Today it is 01.10.2024. The learned District Court has not approached this Court for seeking extension of time. This is not the first instance of Advocate Ajinkya Udane filing such an Application before this Court. In the past also he has made a similar Application before this Court on the ground that Advocates were busy and Advocates required more time to prepare. I had declined to entertain the said request made by Mr. Udane. This is clearly a wrong practice and approach adopted by the learned Advocate for Respondents in the present matter. The Advocate for Respondents does not show the elementary courtesy of even appearing in the Court after pursuing the Court to list the praecipe in the circulation caption. No orders can be passed on such a praecipe. The Trial Court is doing its best to decide the matter and passing any order on the praecipe will demoralise the Trial Court. This cannot be allowed to happen.

4. Hence, praecipe stands rejected.

[MILIND N. JADHAV, J.]

Kishor

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