

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 12440 OF 2024**

Shripat Ganpat Sawant
Through, Constituted Attorney
Mr. Prakash Ganpat Sawant

... Petitioner

V/s.

M/s. Sheth Infraworld Pvt. Ltd. & Ors.

... Respondents

WITH**CIVIL WRIT PETITION NO. 12466 OF 2024**

Mr. Prakash Ganpat Sawant

... Petitioner

V/s.

M/s. Sheth Infraworld Pvt. Ltd. & Ors.

... Respondents

Mr. Prakash G. Sawant, Petitioner in-person in Civil Writ Petition No.12446 of 2024.

Ms. S.D. Vyas, Addl. G.P. a/w Ms. Rupali Shinde, A.G.P. for Respondent Nos.4 to 6 and 11-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 19th November 2024.

P.C. :

1) Mr. Prakash Ganpat Sawant, the Constituted Attorney of the Petitioner, namely, Mr. Shripat Ganpat Sawant appeared in person. He submitted that, by the Committee under the Norms for Presentation and Conduct of Proceedings in Person by Parties, as constituted under the

provisions of Chapter IV-A of the Bombay High Court Appellate Side Rules, 1960, has granted him permission to appear in person.

Upon a question by this Court, as to how he can appear as a Constituted Attorney on behalf of somebody, he arrogantly answered that the said Committee of the High Court has permitted him to appear in the matter.

2) According to us, appearance of Mr. Prakash Ganpat Sawant as Constituted Attorney of the Petitioner, is not in consonance with Section 30 of the Advocates Act, 1961. It is the prerogative of the Advocate to appear in the matter/case on behalf of his/her client in the Court of law.

3) Perusal of record indicates that, the Committee constituted under the provisions of Chapter IV-A of the Bombay High Court Appellate Side Rules, 1960, i.e. Norms for Presentation and Conduct of Proceedings in Person by Parties, by its Office Report dated 31st August 2024, has opined that, it would not be proper to grant Mr. Prakash Ganpat Sawant permission to appear as party in person before this Court.

3.1) The Committee has placed its reliance on para No.2 of Order passed by this Court dated 15th February 2024, in Civil Writ Petition No.8545 of 2022. The said para No.2 reads as under :-

“We have entertained the Petitioner in person although we are not even remotely satisfied that he has met the necessary requirements to appear in person as per the Rules.”

4) Even otherwise, the interaction with the Constituted Attorney,

i.e. Mr. Prakash Ganpat Sawant, in Court clearly reveals that, he is unable to maintain decorum of the Court and is also not well-versed of the niceties of law. In view of the interaction with Mr. Prakash Ganpat Sawant, we are not inclined to exercise our power under Section 32 of the Advocates Act, 1961, permitting him to appear in person.

5) We therefore are of the confirmed view that, the Committee constituted under the provisions of Chapter IV-A of the Bombay High Court Appellate Side Rules, 1960, i.e. Norms for Presentation and Conduct of Proceedings in Person by Parties, has rightly not permitted said Mr. Prakash Ganpat Sawant to appear in person before this Court.

6) In view of the above, Mr. Prakash Ganpat Sawant, seeks time to approach Legal Services Committee, High Court, Mumbai for seeking legal aid.

At his request, remove from board.

6.1) It is made clear that, in case the Petitioner and / or Mr. Prakash Ganpat Sawant, files application before Legal Services Committee, High Court, Mumbai, the concerned Committee shall consider his / their Application strictly as per Rules and Regulations framed thereof and the said Committee shall not get influenced by the fact that, we have permitted him to file such an Application for seeking legal aid.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)