



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

Writ Petition No. 363 of 2019

[Bhanudas S/o Namdeo Kamathe and anr. ..vs.. Padhari S/o Kisan Katkar and ors.]

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

Court's or Judge's orders

Mr. V. S. Mishra, Advocate for respondent nos. 2 to 4
Mrs. S. N. Thakur, AGP for respondent nos. 7 and 8

CORAM : ANIL L. PANSARE J.

DATED : 30-08-2024

On previous date, following order was passed.

“On 30.07.2024, previous date, following order was passed.

“Learned counsel for the petitioners submits that petitioner no. 1 has expired and other petitioner is not in contact with him. He submits that he intends to seek discharge. Accordingly, he seeks time to submit application/pursis. Time granted.

Notice issued to respondent nos. 2, 4 and 5 for engagement of another counsel is returned back unserved. Reissue notice to these respondents. Registry shall ensure that notices will be served on these respondents by next date.

List in the week commencing from 19th August, 2024.”

None appears for the petitioners today.

List under the caption, “For Dismissal”, on 30.08.2024.”

2. Learned counsel for the petitioners has, on 31-7-2024, filed pursis stating therein that he has no instructions from the petitioners and, therefore, he is withdrawing his Vakalatnama. The learned counsel for

petitioners has only informed that he is withdrawing his presence from the Court. This is not a mode to seek withdrawal from appearance.

3. Learned counsel Mr. Mahendra L. Vairagade should go through the Rules framed by the High Court under Section 34(1) of the Advocates Act, 1961. Rule 660(4) is relevant which reads as under.

“(4) When an Advocate who has filed a Vakalatnama for a party wishes to withdraw his appearance, he shall serve a written notice of his intention to do so on his client at least seven days in advance of the case coming up for hearing before the Court. Leave of the Court to withdraw appearance may also be applied for if the client has instructed the Advocate to that effect. The Advocate shall file a note in writing requesting the Court for permission to withdraw appearance and shall also file along with the Note the letter or the client instructing him to withdraw his appearance or a copy of the intimation given to the client as above together with its written acknowledgment by the client. The Court, if it is satisfied that no inconvenience is likely to be caused to the Court or the client, may permit the Advocate to withdraw his appearance and while permitting the Advocate to do so may also impose such terms and conditions as it may deem proper either in public interest or in the interest of the parties.”

Thus, unless the Court grants permission to withdraw appearance, the Advocate is duty bound to appear in the matter when called and to assist the Court.

4. Be that as it may, the petitioners appear to be not interested in prosecuting the petition. The counsel's conduct is already recorded. He does not even deem it

necessary to appear before the Court and address on the issue.

5. The end result is petition is dismissed as not prosecuted.

6. Copy of order be served upon the petitioners as also learned counsel for the petitioners for information and necessary action, if so desired.

(Anil L. Pansare, J.)

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