

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3962 OF 2025

Dhanlaxmi Bank Ltd

... Petitioner

Versus

Adish Babu G

... Respondent

Ms. Madhura Kulkarni *a/w Ms. Rucha Prabhu i/b M/s. Juris Corp. for the Petitioner.*

Mr. Adish Babu G *Respondent in person present.*

CORAM : SANDEEP V. MARNE, J.

DATE : 25 MARCH 2025.

P.C. :

1) The Petitioner-Bank has filed the present Petition challenging order dated 7 November 2024 passed by the Presiding Officer Central Government, Industrial Tribunal-2 Mumbai (CGIT) rejecting the application preferred by it seeking permission to engage practicing advocate to represent it.

2) I have heard Ms. Kulkarni, the learned counsel appearing for the Petitioner and the Respondent appearing in person.

3) After having considered the submissions canvassed by the learned counsel appearing for the parties, it is seen that

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permission to engage practicing advocate was sought by the Petitioner-Bank on account of the fact that Respondent has enrolled himself with Bar Council of Kerala and has been practicing in various Courts, particularly the Debts Recovery Tribunal. The CGIT has relied upon judgment of the Apex Court in ***Paradeep Port Trust Vs. Workmen***¹ in which the Hon'ble Apex Court has recognized right of a legal practitioner to represent the workman or employee under provisions of sub Section (1) or sub Section (2) of Section 36 of the Industrial Disputes Act, 1947. The Apex Court has held that when such legal practitioner happens to be office bearer of the union, his appearance before the Court is not in capacity as legal practitioner but in his capacity as the office bearer of the union. Similarly in the present case as well, appearance by Respondent, who is law graduate and an enrolled member of the Bar, would be in his capacity as a litigant before the CGIT and not in his capacity as a practicing Advocate.

4) Also of relevance is the fact that during the course of hearing of the present Petition, this Court has not found the Respondent to be possessing skills of a seasoned advocate having sufficient experience at the Bar. In the light of peculiar facts and circumstances of the present case, I am not inclined to exercise jurisdiction under Article 227 of the Constitution of India, which is merely corrective in nature and need not be exercised to correct every error of law or fact. The Writ Petition is accordingly rejected. The order being passed in the facts and circumstances of the case, shall not be treated as precedent in any other case.

[SANDEEP V. MARNE, J.]

1 (1977) 2 SCC 339