

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3684/2025

**Ambadas S/o Mahadeo Hingawe Vs. Municipal Council, Arvi and
others**

Office Memoranda of Appearances, directions and orders	Notes, of Court's orders and Registrar's	Court's or Judge's orders
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Mr. B.W. Patil, Advocate for Petitioner

CORAM: ANIL L. PANSARE, J.

DATED : 16th JULY, 2025

1. The order which is challenged reads as under :

“Matter is pending from long time at same stage. Applicant and his advocate are consistently absent. Today also none of them are present and no hearing of the matter is conducted. Hence, application is dismissed in default of applicant and for want of hearing.”

2. The counsel for the petitioner submits that the petitioner was under ailment and, therefore, could not attend the Court.

3. The question is how the Court will come to know of such status. What is expected in such circumstances is firstly, that the counsel should appear and secondly, put-forth reason of absence of his client, if the presence of the client is necessary. In other words, the counsel should appear before the Court and in case, his client's appearance is necessary, he may draw attention of the Court about the client's ailment and to seek exemption from personal appearance.

4. Here is a case where neither the counsel nor client appeared before the first appellate Court, that too not on the date when order was passed, but there is consistent absence

meaning thereby that both the appellant and counsel remained absent continuously.

5. That being so, I do not find any reason to interfere with such finding in the supervisory jurisdiction under Article 227 of the Constitution of India. The petition is dismissed. No costs.

(ANIL L. PANSARE, J.)

MP Deshpande