



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

**Writ Petition No. 365 of 2019**

[Kamalabai Wd/o Mohan Giri ..vs.. Shivaji S/o Kundlik 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 no.3  
Mrs. S. N. Thakur, AGP for respondent nos. 4 and 5

**CORAM : ANIL L. PANSARE J.**

**DATED : 30-08-2024**

Learned counsel for the petitioner has, on 31-7-2024, filed pursis stating therein that he has no instructions from the petitioner and, therefore, he is withdrawing his Vakalatnama. The learned counsel for petitioner has only informed that he is withdrawing his presence from the Court. This is not a mode to seek withdrawal from appearance.

2. 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.

3. Be that as it may, the petitioner appears 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.

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

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

**(Anil L. Pansare, J.)**