

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.54 OF 2019
IN
TRUST PETITION NO.4 OF 2014**

Induumar Ladhahbai Momaya and Ors. ... Appellants
Versus
Jayantilal Ladhahbai Momaya and Ors. ... Respondents

Mr. Bharat H. Mehta with Mr. Devang D. Parmar, Ms. Devangi Bharat Mehta, for Appellants.
Mr. Kalpesh H. Shah, Appellant No.5 in person present.

**CORAM: S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE: 18th NOVEMBER, 2021

P.C.:

1. In the above Appeal, there are eight Appellants, one of them is Appellant No.5 - Mr. Kalpesh H. Shah. Initially, all the Appellants including Mr. Kalpesh H. Shah were represented by Advocate Shri Bharat Shah. Later, he insisted that he wants to appear in person. His Application seeking leave/permission to appear in person was placed before the Committee. The same was rejected, since the Committee was of the view that he will not be able to put forth his case 'appropriately' before the Court.

2. Thereafter, Advocate Shri Pawankumar Prasad was appointed as a legal aid Counsel to represent Appellant No.5 in the above Appeal. However, the Appellant No.5 made an Application stating that he is not wanting to be represented

by Advocate Shri Pawankumar Prasad and that he wants to argue in person. The said Advocate was therefore, discharged.

3. The Appellant No.5 having no legal experience or expertise is thus unable to make his submissions effectively and adequately. We are therefore, not allowing Appellant No.5 to appear in person. Since the Appellant No.5 has refused to be represented by an Advocate from the legal aid services, he is directed to appoint an Advocate of his choice in the matter.

4. Stand over to 11th January, 2022.

5. Since two sets of Advocates cannot represent the Appellants, the other Appellants may in the meantime, move an application to transpose Appellant No.5 as party Respondent to the above Appeal.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)