

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

**TESTAMENTARY SUIT NO.42 OF 2012
IN
TESTAMENTARY PETITION NO.64 OF 2011**

Govindaraja Venkatesh Iyengar .. Plaintiff

Versus

A. R. Sampathkumar (since deceased)
Through 1A. S. Suresh Kumar and Anr. .. Defendants

**WITH
IN PERSON APPLICATION NO.74 OF 2019
IN
TESTAMENTARY SUIT NO.42 OF 2012
WITH
SUIT NO.603 OF 2013
WITH
CHAMBER SUMMONS NO.498 OF 2018
IN
SUIT NO.603 OF 2013
WITH
NOTICE OF MOTION (SUITS) NO.1257 OF 2019
IN
SUIT NO.603 Of 2013**

-
- Mr. Avinash Joshi a/w. Mr. Shivam Chitlangia i./by Mulla and Mulla, Advocate for Plaintiff in Testamentary Suit No.42/2012 and for Plaintiff in Suit No.603/2013.
 - Mr. Ajay Fernandes i./by Ms. Rukshana Peerbhoy, Advocate for Defendant No.6.
 - Mr. Prakash Iyengar, Defendant No.1 in-person.
-

CORAM : MILIND N. JADHAV, J.

DATE : JULY 20, 2023

P.C.:

1. Heard Mr. Joshi, learned Advocate for Plaintiff in

Testamentary Suit No.42 of 2012 and for Plaintiff in Suit No.603 of 2013, Mr. Fernandes, learned Advocate for Defendant No.6 and Mr. Iyengar, Defendant No.1 in-person.

2. The Suit has reached hearing before me today. Mr. Prakash Iyengar, the sole Defendant in the Suit desires to appear in-person in the present Suit. There is a history to this Defendant appearing in the present matter. I need not detain myself or even comment on the same.

3. Mr. Iyengar would submit that he has been prosecuting and appearing in this matter for the last 21 years and on various earlier dates this Court and various Judges of this Court have permitted him to appear and on that ground and I should also permit him to appear in person in this matter and allow him to argue.

4. I find Mr. Iyengar's demeanor completely unfit considering the manner in which he addresses the Court in a dictatorial manner. I am aghast with the permission granted by the Committee of this Court / Registry in the year 2019 as told to me by Mr. Iyengar. If any such permission is indeed granted, I am cancelling the said permission and in that view of the matter, Mr. Iyengar is directed to appoint an Advocate. Before passing this order, this suggestion was given to him but he has rejected the same outrightly.

5. Mr. Iyengar would next submit that he has become bankrupt and does not have any money. If that be the position, he is permitted / directed to approach the Legal Aid Committee. If he files an Application seeking Legal Aid, the Committee is directed to appoint an appropriate Advocate to represent Mr. Iyengar in accordance with law.

6. Liberty to the parties to apply after the above compliance.