

03. 31.08.2020

This matter is taken up through Video Conferencing.

In recent past this Court has some horrible experience while conducting Court through Video Conferencing. First one is when a counsel after finishing his case brought his wife inside the Video Conferencing site and even after frequent request since position did not improve, Court from its own side had to disconnect the petitioner's connection. Second instance is, a counsel argued his matter from garden. On query learned counsel said he could not get proper contact from inside his house, which proved to be wrong when learned counsel shifted the system to inside his house and inside his house, he was requested not to repeat in future. This Court has also observed some counsel while appearing through Video Conferencing went on eating and despite repeated requests, he did not drop himself. Considering the serious interruption in the court proceeding, today again a counsel attempted to argue his case from inside a moving Car and he explained that since he is to attend a case at Puri, he is rushing to Puri and is unable to argue his case from his residence at Cuttack. This Court seriously condemns the conducting of a case inside a vehicle on road. In the Covid-19 situation extending arguing place beyond the Court premises does not mean permitting one to argue matter inside a vehicle, from his lawn and from his drawing

room allowing his wife to join him in the process of proceeding. Counsel should argue at the minimum from his/her home or temporary residence and there should be maintenance of minimum decorum. Copy of this Order be served on interim committee of Bar Council as well as Bar Association for necessary instruction to learned Bar Members and advise them not to breach the decorum as well as decency in Court proceedings.

Coming back to the case at hand, heard the submissions of Mr.P.C. Jena, learned counsel for the petitioner and Mr.S.N. Mishra, learned Additional Government Advocate for the State.

This is an application against rejection of an application under Order 1 Rule 10 of Civil Procedure Code being rejected by the trial court on serious contest by the plaintiff.

Considering the submission of Sri Jena, taking into account the grounds raised herein and looking to the plaint at Annexure-4, this Court finds, sometime the present petitioner represented the plaintiff when the plaintiff remains personally unable in conducting the case. This Court again finds the petitioner sought to be added as party by way of Order 1 Rule 10 C.P.C., but he has already been represented the plaintiff and now attempting to add himself as co-defendant. There is also scope for making a person representing the plaintiff sometimes in the same suit to be added as defendant. Besides, there is also no relief

sought for in the suit against this petitioner and plaintiff has a serious contest on the request of the petitioner.

Perused the grounds of rejection of the application filed under Order 1 Rule 10 C.P.C. by the trial court. This Court is in full agreement with the reasons assigned by the trial court and thus finds no scope for interference in the same in exercise of power under Article 227 of the Constitution of India and accordingly the C.M.P stands dismissed.

As lockdown period is continuing for Covid-19, learned counsel for the petitioner may utilize the soft copy of this order available in the High Court's website or print out thereof at par with certified copies in the manner prescribed, vide Court's Notice No.4587, dated 25.03.2020.

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Biswanath Rath, J.