

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL REVISION APPLICATION NO. 326 OF 2014

Ms Maria (Marie) D'souza .. Petitioner/ Applicant  
vs.  
Mr. Abel Colman Pinot .. Respondent  
  
Mr. Prabhakar Pandey for the Applicant/Petitioner.  
Mr. S.R. Khalap for the Respondent.

**WITH**  
CIVIL APPLICATION NO. 274 OF 2015  
IN  
CIVIL REVISION APPLICATION NO. 326 OF 2014

Mr. Abel Colman Pinto .. Applicant/Respondent  
In the matter between  
Ms Maria (Marie) D'souza .. Applicant /Petitioner  
vs.  
Mr. Abel Colman Pinot .. Respondent  
  
Mr. S.R. Khalap for the Applicant/Respondent.  
Mr. Prabhakar Pandey for the Applicant/Petitioner.

**CORAM : M. S. SONAK, J.**  
**DATE : 26 JUNE 2015.**

**P.C. :-**

1] The orders made by this Court on 23 June 2015 and 25 June 2015 are self explanatory. Despite notice, Mr. Prabhakar Pandey, the advocate appointed under the Legal Aid Scheme, virtually refuses to attend this Court. On 25 June 2015, the Establishment Officer telephonically contacted advocate Mr. Pandey and reported to this Court that Mr. Pandey had requested that this matter may be kept on 29 June 2015, on which date, he would positively attend the Court.

As a matter of abundant caution, the Establishment Officer, addressed a letter to Mr. Pandey requesting him to attend the Court.

2] Today, when the matter is called out, Mr. Pandey has once again chosen not to appear in the matter. At least *prima-facie*, this is discourtesy, particularly in a matter where advocate has been appointed under the Legal Aid Scheme. The High Court Legal Services Committee, Mumbai may look into the matter to ascertain whether Mr. Prabhakar Pandey is interested in continuing on the panel.

3] Be that as it may, the Civil Application No. 274 of 2015 points out the sole applicant is Maria (Marie) D'souza has expired on 27 April 2015 leaving behind no legal representatives. There is Death Certificate issued by the Municipal Corporation of Greater Mumbai and the Burial Certificate issued by the Church of Our Lady of Perpetual Succour, Chembur, Mumbai.

4] Since the advocate appointed from the Legal Aid Scheme has virtually declined to appear in the matter, this Court is constrained to make reference to some of the averments in the Revision

Application. The averments indicate that it was the case of the applicant that she was not a Gratuitous Licensee, but rather a live-in caretaker. It is also the case of the applicant/petitioner that she was to be paid in kind and with a promise to be looked after till her death for her services to the family of late Ms Dorothy Pinto. There is no indication in the revision application that she has left behind any legal representatives or legal heirs. On the contrary, the material on record thus suggest that the applicant was living alone in the suit premises.

5] As the dictation of this order had reached at this stage, Mr. Pandey, the advocate appointed under the Legal Aid Scheme has appeared (at 11.30 a.m.). Mr. Pandey states that he was unwell and therefore, could not attend this Court on the previous occasion. In view of this statement, which is accepted, the High Court Legal Services Committee need not comply with the directions contained in paragraph '2' of this order.

6] Mr. Pandey states that the Civil Revision Application has now been rendered infructuous, as the applicant is not known to have left behind any legal representatives or legal heirs.

7] In view of the aforesaid as also the material on record, the Civil Revision Application is disposed of as having become infructuous. The *ex-parte* ad-interim stay granted on 30 April 2014, is consequently vacated.

8] Civil Revision Application No. 326 of 2014 and Civil Application No. 274 of 2015 are disposed of in the aforesaid terms.

9] All concerned to act upon an authenticated copy of this order.

**(M. S. SONAK, J.)**

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