

dik

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2191 OF 2015
IN
WRIT PETITION NO. 1661 OF 2013**

Sunil Champaklal Shroff & Anr. ...Applicants

vs

Kamlesh Singh Harnamsingh Chowhan ...Respondent

.....

Mr Pankaj Purvej i/b Anil Desai for the Applicants

Mr Vivek Kantawala a/w Amey Patil i/b Vivek Kantawala & Associates
for the Respondent.

.....

**CORAM : N. M. JAMDAR J.
2 SEPTEMBER, 2016**

P.C. :

The applicants challenge the order dated 30 March, 2015 on the ground that the applicants were not aware of the order passed. It is stated that the advocate was not authorized to give consent. The order was passed on 30 March, 2015. The application is filed in July 2015. There is absolutely no explanation for the delay except stating that the certified copy was obtained subsequently. This submission cannot be accepted as the orders are uploaded on the website from which any diligent party will know of the order passed. This court provides various electronic facilities to the advocates and the litigants to keep track of the matter.

2 Furthermore learned counsel for the Respondent points

out that even certified copy was available. It is contention of the learned advocate for the applicant that the matter was contested in the trial court, and therefore, it is not possible that the advocate would give consent. If the Applicants were following the litigation they would have seen the order on the website. The Applicants had duly given their Vakalatnama and the order was passed in the open court. It is not possible to believe that the Applicants would not know of the hearing or will not follow up the progress after the order is passed. In any case the order passed is an interlocutory order and it does not affect any substantive rights of the parties.

3 The Civil Application taken out is entirely frivolous and is rejected with the costs of Rs.5000/- to be paid to the Legal Services Authorities. Costs need to be imposed as such tactics adopted by the litigants, unfortunately aided by the advocates, need to be curbed.

(N. M. JAMDAR J.)