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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

LETTER PATENT APPEAL NO. 156 OF 2012

**RAMRAO NAMDEORAO SABLE
VERSUS
MANIKRAO NARHARRAO SABLE AND ORS**

...

**None for appellant
None for respondent no.1.**

...

**CORAM : S.C.DHARMADHIKARI &
MANGESH S. PATIL,JJ.**

DATE : 30/06/2017

PER COURT :-

1] The appellants before this Court had initially engaged Mr.Ghuge J.N. He filed his Vakalatnama. This L.P.A. appeared on previous nine occasions. From the roznama it appears that Mr.Ghuge was absent on 18/11/2015 and yet this Court issued notice to the respondents on this L.P.A. returnable on 16/12/2015 so that no injustice is caused.

2] After the Court's order it appears that several matters together were listed before this Court because the office objections were not removed, a common order was passed on 18/12/15 to that effect. Neither the appellants took cognizance of this nor his advocate. The returnable date was extended on 25/01/2016. On 15/07/2016, Mr.Ghuge appeared for appellant and this Court extended the returnable date by four weeks. A fresh notice was issued to the

unserved respondent who was later reported to be dead. Then again Mr.Ghuge appeared but holding for Mr.V.D.Salunke. At this stage on 12/08/2016 this Court was not informed that the appellant has engaged Mr.V.D.Salunke. Thereafter, this Court notified on the farad that the appellant's advocate has not taken any steps against unserved respondent no.6 therefore his name stood deleted.

3] We listed this matter today after it was briefly heard on 23/06/2017. On that date, we were informed that Mr.V.D.Salunke is going to argue this appeal for the appellant and Mr.Ghuge has returned the papers or granted his consent for the appellant to engage Mr.V.D.Salunke.

4] Today when the appeal is called out for admission, Mr.V.D.Salunke's Junior tendered a purshis which reads as under :

“In the above matter Adv. Mr.Ghuge was appearing on behalf of Appellant. Mr.Ghuge gave no objection hence I filed Vakalatnama on behalf of appellant. However the appellant informed me that, Mr.Ghuge will argue the matter & I may not argue I intimated Mr.Ghuge on phone yesterday, he is out of station, he said that he will make alternate arrangement.

Today I informed to the client on his phone, he said that Mr.Ghuge be allow to argue the matter. Hence I am unable to argue the matter. I am taking steps to cancel my Vakalatnama by issuing notice to appellant by Registered Post A.D.

Hence this Pursis. “

5] We do not wish to cause any embarrassment to Mr.V.D.Salunke. We discharge him as an Advocate for the appellant in view of this purshis which is taken on record.

6] Mr.Ghuge is absent though his name is displayed on the board. He is supposed to have informed Mr.V.D.Salunke that he would either appear for the appellant or make other arrangement for appearance on behalf of the appellant. The appellant Ramrao Namdeorao Sable is absent.

7] In the above circumstances, we dismiss this Letters Patent Appeal for want of prosecution.

(MANGESH S. PATIL,J.)

(S.C.DHARMADHIKARI,J.)

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