

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

**CIVIL APPLICATION (ST) NO.26144 OF 2017
IN
WRIT PETITION NO.11326 OF 2013**

M/s.Laxmi Sagar Builders & Developers ..Applicants

V/s.

Sharadchandra Ramchandra Fadnis

(Since Deceased) Through Lrs.

1.1. Smt.Sheelawati Sharadchandra

Fadnis (Phadnis) & Ors.

..Respondents

Mr.Ganesh Murthy i/b Mr.Vivek Khare for the Petitioner.

Mr.J.M. Puranik for Respondent Nos.1 to 3.

CORAM : M. S. SONAK, J.

DATE : 09th OCTOBER 2017

P.C.

1. Not on board. Upon production, taken on board.

2. The order dated 15th April 2015, was made on the basis of the consent terms filed by the parties. It is quite clear from the reliefs in this application that the amounts which the applicant may be permitted to withdraw by issuance of the cheque in name of Advocate Khare. It is pointed out that Mr.Khare has to recover the fees and therefore, such prayer is made.

**This order is corrected in pursuance to the
speaking to minutes order dated 01/11/2017**

N.S. Kamble

3. The prayer in the Civil Application is both misconceived and unfortunate. The amounts have to be paid to the parties themselves. There is no question of drawing any cheque in the name of Advocate. In fact such an application never ought to have been made. Such application is required to be dismissed with costs. However, no costs are imposed, as it is obvious that such application has been made on the advise of the advocate.

4. The learned counsel now submits that such an application is made on the instructions issued by the client. If this is so, the applicant to pay cost of Rs.5,000/- to the High Court Legal Services Committee within a period of two weeks from today.

5. Now, the learned counsel for the petitioner admits that such an application was made on the basis of the advise and therefore he prays that the amount of costs be dispensed with. In view of the candid admission, the order of costs is cancelled.

6. The Registry to ensure that the payment is made to the parties and not the Advocate.

(M. S. SONAK, J.)

**This order is corrected in pursuance to the
speaking to minutes order dated 01/11/2017**

N.S. Kamble