

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

917 CIVIL APPLICATION NO. 3610 OF 2018  
IN FA/1121/2016

SUMANBAI MANIKRAO SHINDE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER

...  
Advocate for Applicant : Mr. Satnosh N. Patne  
AGP for Respondent No. 1: Smt. S.S. Raut  
Advocate for Respondents No. 3 and 4 : Mr. S.B. Gastgar  
...

**CORAM : K.K. SONAWANE, J.**

**DATED : 12<sup>th</sup> JUNE, 2018.**

**Order :-**

1. Heard Mr. Patne, learned counsel for applicant-intervenor, learned AGP for respondents No. 1 and 2 and learned counsel for respondents No.3 and 4.
2. This application is moved on behalf of applicant seeking permission for intervention in the present proceeding of First Appeal No. 1121 of 2016. The Intervenor has further seeks requisite directions to respondents/original claimants and his son to pay advocate fees to the Intervenor, at the time of withdrawal of the compensation amount.
3. It has been contended that husband of the applicant intervenor was practicing as an Advocate in Latur Distirct Court. He had appeared on behalf of respondents-original claimants in Land Acquisition Reference filed before the learned Civil Judge, Senior Division, Latur. It has been alleged that claimants did not pay any counsel fees to their advocate. According to learned counsel Mr. Patne the Advocate Mr. M.V. Shinde is no more and his wife filed present application seeking permission to intervene

for recovery of outstanding advocate fees from the claimants.

4. Taking into consideration the submissions on the part of the applicant, it is strange to appreciate that the applicant would recover outstanding fees of advocate in this proceeding from the claimants. However, the applicant ventured to seek directions from this court for payment of outstanding advocate's fees by the claimants in this proceeding.

5. Apparently, on the face of record, it appears that the applicant has no locus to seek recovery of outstanding in the proceedings. The factum of dues outstanding towards the claimant on account of advocate's fees would be an issue to be determined on the anvil of merit. Therefore, the attending circumstance reflects that the relief claimed on behalf of applicant would be an abuse of process of law. The application seeking recovery of advocate's fees found not maintainable and amenable within the jurisdiction of this court in the present proceeding. Hence, application cannot be entertained and deserves to be disposed of. In case, the applicant is intending to recover advocate's fees, if any, from the claimants, it would be open for the applicant-wife of the deceased advocate Shri. Shinde to invoke appropriate remedy under law to redress the grievance.

6. Therefore, present application for intervention being devoid of merit, deserves to be dismissed. Accordingly, application stands disposed of. No order as to costs.

**[ K. K. SONAWANE ]**  
**JUDGE**

MTK.