

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1766 OF 2015

M/s. Robert Mc Lean & Co. Ltd. ... Petitioner
Vs.
Anuradha Kishore Uttamchandani and others ... Respondents

Mr. Kunal Bhanage i/b. Mr. Anish Khandekar for Petitioner.

CORAM : R. G. KETKAR, J.
DATE : JULY 9, 2019

P.C. :

Heard Mr. Bhanage, learned Counsel for the petitioner.

2. Perused the earlier orders passed by this Court. The Petition was heard on 06.03.2018. In that order, reference was made to the affidavit dated 19.11.2015 made by K. Banerjee, one of the Directors of the petitioner to the effect that respondent No.6 Sunil Indoria is not authorized by the petitioner company and / or any of its Directors to represent the petitioner in any legal proceedings. Submission of Mr.Bhanage that the respondent No.6 is the only contesting respondent was recorded. In view thereof, fresh notice was issued to the 6th respondent for final disposal. The petitioner was permitted to serve Advocate in the trial Court representing respondent No.6 with a request to forward the papers and proceedings of the Petition to the 6th respondent and intimate the next date of hearing. In pursuance thereof, notice was issued to the 6th respondent. The petitioners have also filed affidavit of service dated 27.03.2018 enclosing therewith notice addressed to Advocate J. P. Patel appearing for the 6th respondent in the trial Court. The packet returned with the remark 'refused'. The petitioner has filed affidavit of service sworn by Sushant Sawant dated 27.03.2018. In paragraph 2, it is stated that notice dated 19.03.2018 enclosing

therewith copy of the Writ Petition was sent to the 6th respondent by Speed Post. The said notice is duly served. Reliance is placed upon speed post receipt at exhibit-D and on-line track report of the India Post at exhibit-E.

3. Mr. Bhanage, on instructions, submitted that Advocate J. P. Patel is not appearing in the Suit since last 1 and ½ years. He further states that before engaging other Advocate, defendant No.1 will give notice to Advocate J. P. Patel giving discharge. Statements made by Mr. Bhange, on instructions, are recorded.

4. In view thereof, impugned order stands dissolved. The petitioner / defendant No.1 is permitted to engage Advocate of their own choice after following the requisite procedure. The Petition is disposed of accordingly.

(R. G. KETKAR, J.)

Minal Parab