

sg

29.ia17100-22.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.17100 OF 2022

IN

SECOND APPEAL NO.365 OF 2001

WITH

INTERIM APPLICATION NO.2755 OF 2022

IN

SECOND APPEAL NO.365 OF 2001

WITH

INTERIM APPLICATION NO.2760 OF 2022

IN

SECOND APPEAL NO.365 OF 2001

Smt. Bebibai Dasharath Pawar And Ors. ...Applicants

vs.

Shri. Govind Chahu Pawar  
(Since Decd. Thr. LRS)

Smt. Bhimabai Govind Pawar And Ors. ...Respondents

....

Mr. Nitin Jagtap, for the Applicant in IA/17100/2022.

Mr. S.D. Patil, a/w. Ms. Anusha Amin, for Respondent Nos. 1 and 3.

....

CORAM : S.M. MODAK, J.

DATE : 5 AUGUST 2022

P.C. :

Interim Application No. 17100 of 2022

Earlier Advocate Vishal R. Pail and Vishal A. Patil used to

represent all the Appellants. Now the Appellants want to engage Advocate Nitin Jagtap. All the Appellants have informed to the earlier Advocate by undated letter. Its copy is on page 22. It is sent by RPAD and acknowledgments are on page 24.

2. According to the new learned Advocate for the Appellants, as per Bombay High Court Appellate Side Rule 84, by serving a written notice by the Appellants about withdrawal of the appearance and by taking leave of the Court, the earlier Advocate can be discharged. As per that procedure, intimation is already given to earlier Advocates. Today none of the earlier Advocates are present. Even according to the Appellants, the earlier Advocates, have not replied to their undated letter.

3. In view of that the earlier Advocates Vishal R. Patil and Vishal A. Patil for the Appellants are discharged and the appearance of new Advocate Shri Jagtap for the Appellants is taken on record.

4. The interim application is disposed of.

#### Second Appeal No.365 of 2001

The consent terms filed by all the Appellants and Respondents, along with the concerned Advocates for the parties, have taken on record and marked as Annexure "X" for identification. The

signatories of the consent terms are present.

2. Smt. Ratna Bhalchandra Thakur is present in the Court and submitted that she wants to address the Court and seeks for one adjournment. She submitted that she is the daughter-in-law of Appellant No.1. Appellant No.1 is also present and she has denied that relationship.

3. For the above circumstances, today no order can be passed on consent terms. One chance needs to be given to Smt. Ratna Bhalchandra Thakur. It is explained to her that if she wants to address the Court, one chance is given to her and if she will not come, the Court will proceed with the appeal. There is a strong opposition on behalf of the Appellants for hearing Smt. Ratna Thakur but in the interest of justice, one chance needs to be given.

4. Hence, the matter is kept on 13 September 2022. Appellant No.1 is exempted from appearing in the Court on future dates unless required.

(S.M. MODAK, J.)