

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 18th March, 2024.

CALLED FOR DIRECTION:

1. CHOL/81/2024
in
S/1366/2012

) **Mr. Yash Kataria i/b S. Mahomedbhai & Co.,**
) **Advocate for the Applicants.**
)

) **P.C.:** 1. This Chamber Order is taken out
) by M/s. S. Mahomedbhai & Co.,
) Applicant/Advocate for Plaintiffs seeking
) discharge on behalf of Plaintiffs, Diana
) Mino Framroze, Farah Mino Framroze and
) Tia Mino Framroze respectively in Suit No.
) 1366 of 2012.
)

) 2. The applicant has filed Affidavit of
) service dated 18.03.2024 effecting service
) of this application upon the Plaintiffs
) abovenamed.
)

) 3. The applicant has filed Affidavit in
) support dated 29.02.2024. The ground for
) discharge is mentioned in paragraphs – 2
) to 8.
)

) 4. The applicant submitted that inspite of
) several emails sent to the Plaintiffs
) requesting to collect their papers and to
) send Vakalatnama of their new Advocates
) so that the S. Mahomedbhai & Co., record
) their NOC thereon. It is also mentioned
) that in the event they do not receive
) a response from the Applicants/
) Plaintiffs, then M/s S. Mahomedbhai & Co.
)

...2/-

) shall make a appropriate application to the
) Hon'ble High Court for discharge in the
) captioned matter. Exhibit – D annexed to
) the Affidavit in support is a copy of the
) email dated 22nd February 2024. It is
) further submitted that the Plaintiffs
) abovenamed have not collected their
) papers and have not paid the outstanding
) professional fees of M/s. S. Mahomedbhai
) & Co. till date.
)

) 5. Regarding professional fees, in my view,
) the quantum of Advocates fees is a
) different issue and it could not be decided
) by the Ministerial Officer while granting
) the discharge and the contentions of the
) Ld. Advocate for payment of Advocates fees
) are kept open for argument if raised before
) the appropriate court.
)

) 6. I am satisfied that the Ld. Advocate has
) substantially complied with the procedure
) for obtaining discharge under High Court,
) Original Side Rules read with the
) provisions and Rules framed under the
) Advocates Act.
)

) 7. In view of the above, Chamber Order
) is allowed and signed separately. Advocate,
) M/s. S. Mahomedbhai & Co. have been
) discharged on behalf of the Plaintiffs,
) Diana Mino Framroze, Farah Mino
) Framroze and Tia Mino Framroze
) respectively in Suit No. 1366 of 2012.
) Office to delete the name of Advocate M/s.
) Mahomedbhai & Co. as Advocate for the
)

) ...3/-
)

) Plaintiffs. M/s. Mahomedbhai & Co. to
) communicate this Order to the Plaintiffs
) and thereafter, Plaintiffs to engage another
) Advocate, if they so desire.
)
)

) 8. Chamber Order is disposed of
) accordingly.
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)
)
)

18.03.2024

Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master