

Before: Shri S. S. Agate
Addl. Registrar (O.S.) /
Addl. Prothonotary and Senior Master

CALLED FOR DIRECTION:

Mr. Yash Kataria i/b S. Mahomedbhai & Co.,
Advocate for the Applicant.

4. The applicant submitted that inspite of several emails sent to the Petitioners 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

...2/-

) a response from the Applicants/
) Petitioners, then M/s S. Mahomedbhai &
) Co. 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 Petitioners
) 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 Petitioners,
) Diana Mino Framroze, Farah Mino
) Framroze and Tia Mino Framroze
) respectively in Testamentary Petition No.
) 597 of 2009. Office to delete the name of
)

) Advocate M/s. Mahomedbhai & Co. as
) Advocate for the Petitioners. M/s.
) Mahomedbhai & Co. to communicate this
) Order to the Petitioners and thereafter,
) Petitioners to engage another Advocate, if
) they so desire.
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) 8. Chamber Order is disposed of
) accordingly.
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18.03.2024

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