

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

CALLED FOR DIRECTION :

) Mr. Yash Sinha i/b Tushar Goradia, Advocate for the
) applicant (Orig. Appellant Nos. 2, 3A to 3E).
) Mr. Suhas Kadu i/b Wadia Ghandy & Co.,
) Advocate for Respondent Nos. 1, 2 and 5.

PC.: 1. This Chamber Order is taken out by (i) Chandrasen Jogi (il) Premlata Joshi (i) Naresh R Machchhar/Master (iv) Nalini M Machchhar/Master (v) Darshan H Rathod (vi) Nirav M Machchhar/Master, Applicants/Orig. Appellant Nos. 2, 3A to 3E through Advocate Tushar Goradia seeking discharge on behalf of their Advocates Jaiswal and Associates and Hemangi Modi respectively in the captioned Appeal No. 1087 of 2010.

2. The applicants have filed Affidavit of service dated 05.09.2024.

3. Perused Chamber Order and Affidavit in support thereof. Paragraphs – 3 to 6 are relevant which are reproduced here under;

3. The Applicants had appointed the erstwhile advocate to act, appear and plead on their behalf in the above Appeal. The erstwhile Advocate had been representing us since the last few years. However, since the few months, the erstwhile Advocate has failed to inform the Applicants of any progress in the matter as well as failed to move the matter because of which the Appeal has not come up for hearing before the appropriate bench for a year. The

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erstwhile Advocate has also been non-cooperative with the Applicants and have been giving evasive answers. Even though the Applicants have cleared the erstwhile Advocate's professional fees, the erstwhile Advocate has completely abdicated his professional duties.

4. Vide letter dated 5th June 2024, inter alia the Applicants requested the the erstwhile advocates to give its NOC in Appeal No.1087 of 2010 and to return all the documents in connection therewith. Hereto annexed and marked as Exhibit "A" is a copy of the said letter dated 5th June 2024 along with the postal receipts.

5. The erstwhile Advocates have, however, failed to give its No objection and has failed to handover the complete papers and proceedings and documents in connection with Appeal No. 1087 of 2010. The erstwhile Advocates have failed to even reply to the said letter.

6. Advocate, Hemangi Modi has already given her no objection to the Applicants. However, Jaiswal and Associates have failed and/or neglected to give their NOC. The erstwhile Advocates have refused to cooperate with the Applicants."

4. I am satisfied that the Applicants have 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.

5. In view of the above, Chamber Order is allowed and signed separately. Advocates, Jaiswal and Associates and Hemangi Modi have been discharged on behalf of the above mentioned Applicants/Orig. Appellant Nos. 2, 3A to 3E in Appeal No. 1087 of 2010. Office to delete the name of Advocates Jaiswal and Associates and Hemangi Modi as Advocates for the Appellants in Appeal No. 1087 of 2010.

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Applicants to communicate this Order to Advocates Jaiswal and Associates and Hemangi Modi and thereafter, engage another Advocate, if they so desire.

6. Chamber Order is disposed of accordingly.

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