

CALLED FOR DIRECTION:

) Mr. S. S. Bedekar, Adv. for Applicant.

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3. Perused Chamber Order and Affidavit in support thereof. Paragraph – 3, 4, 5, 6 & 7 is relevant which are reproduced here under;

“XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX.”

3. I say that the Defendant nos. 1, 2, 3, 4, and 6 had engaged Adv. Jayesh Bhatt to represent them in the aforesaid matter. It appears that he has filed Vakalatnama for the said Defendants on 12.02.2024. The above referred Defendants had engaged Adv. Jayesh Bhatt on the advise of one Mr. Ganesh Kathekar was appointed by them as Project Management Consultant for the purpose of the redevelopment of the suit property. It was later learnt by the Defendants that the said Advocate was acting on the instructions of the said Ganesh Kathekar and that it was becoming increasingly difficult for the Defendants to directly co-ordinate with and contact the said Adv. Jayesh Bhatt. In view thereof, the Defendants contacted the said Adv. Jayesh Bhatt and informed him that they want to engage another Advocate. Initially, the said Adv. Jayesh Bhatt agreed to endorse his "no objection" on the vakalatnama appointing a new advocate. However, subsequently, he blatantly refused to give no objection citing pendency of fees. It is submitted that the fees of the said Adv. Jayesh Bhatt have been fully paid by the Defendants herein. The email correspondences dated 01.07.2024 and 02.07.2024 exchanged between the Defendant no. 2 and Adv. Jayesh Bhatt are annexed hereto

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and marked as "EXHIBIT-A collectively."

4. I say that the said Adv. Jayesh Bhatt has not even raised a memo of fees but has merely orally made exorbitant demands of fees. In any case, it is submitted that even if it is assumed that the Defendants have not paid the requisite fees, the advocate cannot withhold NOC on that ground alone. In fact, what is even more startling is that the entity controlled by the said Ganesh Kathekar, i.e. GVK Enterprise, has addressed a letter dated 29.06.2024 received by the Defendants on 01.07.2024 wherein it is stated that the present Defendants are approaching Adv. Jayesh Bhatt with a demand that they want to engage another advocate with the hope that such Advocate will dance to their tunes. The tone and tenor of the said letter itself reflects that the said Adv. Jayesh Bhatt is appearing and acting on the instructions of the said Ganesh Kathekar and not on the instructions of the present Defendants. A copy of the said letter dated 29.06.2024 is annexed hereto and marked as "EXHIBIT-B." I say that there is no justifiable reason for Adv. Jayesh Bhatt to withhold NOC.

5. I say that in the backdrop of the aforesaid facts, the Defendant nos. 1, 2, 3, 4, 5 and 6 are desirous of appointing Adv. Sudhanva S. Bedekar, Advocate, High Court, to appear on behalf of and represent the said Defendants. A perusal of the miscellaneous information in respect of the Suit no. 232 of 2023 reflects that Adv. Jayesh Bhatt has filed Vakalatnama on behalf of Defendant nos. 1, 2, 3, 4 and 6 on 12.02.2024. The said Miscellaneous information indicating various filings is annexed hereto and marked as "EXHIBIT-C."

6. I say that at that point in time, the Defendant nos. 1, 2, 3, 4 and 6 had all marked their signatures on the Vakalatnama since the power of attorney in this regard was not executed by them in favour of the Defendant no. 2, i.e. myself. I say that such power of attorney was executed on 09.03.2024. A copy of the said power of attorney is annexed hereto and marked as "EXHIBIT-D."

7. I say that in view thereof, the Vakalatnama appointing Adv. Sudhanva S. Bedekar has been signed by me appointing the said Advocate to represent the Defendant nos. 1, 2, 3, 4, 5 and 6. Insofar as Defendant no. 5 is concerned, it appears that since Adv. Jayesh Bhatt has not filed Vakalatnama on behalf of the said Defendant no. 5, there is no impediment whatsoever in marking the appearance of Adv. Sudhanva Bedekar, for the said Defendant no. 5. However, it was informed to the present Defendant that Adv. Jayesh Bhatt had also later filed Vakalatnama for Defendant no. 5. The said fact is not reflected on perusal of the filing information. It is most humbly prayed that Adv. Jayesh Bhatt be discharged from appearing for the said Defendants and the name of Adv. Sudhanva S. Bedekar be entered and recorded as Advocate for the Defendant nos. 1, 2, 3, 4, 5 and 6 abovenamed. The Vakalatnama appointing Adv. Sudhanva S. Bedekar has also been attached herewith.

4. I am satisfied that the Applicant has substantially complied with the procedure for obtaining discharge under High Court, Original

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5. CHOL/474/2024
[Original]
IN
S/232/2023

6. Chamber Order is disposed of.

13.11.2024