

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

Date : 20th December, 2024

FOR DIRECTION :

5. CHOL/579/2024
IN
S/96/2011

) Ms. Siddhi Mathe i/b. M/s. L.C. Tolat & Co.,
) Advocate for Defendant No. 6

) P.C. : 1. This Chamber Order is taken out Mr. L.C.
) Tolat, Proprietor of M/s. L.C. Tolat & Co.,
) Advocates for the Defendant No. 6, seeking
) discharge on behalf of the Defendant No. 6.

) 2. The Applicant has filed Affidavit of Service on
) 16.12.2024. Inspite of service, today Defendant
) No. 6 is absent.

) 3. Perused Chamber Order and Affidavit in
) support thereof. Paragraphs – 1, 2 and 5 are
) relevant which are reproduced hereunder ;

) “ X
) 1. I say that I am representing the Defendant No. 6 who is
) residing at USA in the above Suit. I say that inspite of repeated
) requests and reminders and forwarding copies of records in suit
) by me the Defendant No. 6 failed and neglected to give any
) instructions to prosecute the matter and also put my Masters’
) into adequate funds to meet the costs. As a result I am unable
) to effectively prosecute the matter and to protect the rights of
) Defendant No. 6 in it. In the circumstances and to avoid any
) unnecessary misunderstanding and controversies in future I
) have decided to apply for discharge as Advocates for Defendant
) No. 6.

) 2. I have by my last email dated 18th October 2024 once again
) gave notice to Defendant No. 6 that an Application for
) discharge be made on 11th November 2024 by me and with said
) email forwarded copies of the Chamber Order for Discharge
) and unaffirm copy this Affidavit by way of service upon
) Defendant No. 6 at USA. The copy of said email dated
) 18.10.2024 is annexed hereto and marked as Exhibit “A”. I
) repeat what is stated in said letter as part of this Affidavit.

) 3. X
) 4. X

) 5. The Defendant No. 6 is fully aware of the facts and failed to
) comply with my requests and will not be taken by surprise and
) no prejudice will be caused to Defendant No. 6. In the event of
) Chamber Order is made absolute. ”

..... Continued

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: 2 :

-) 4. I am satisfied that the Ld. Advocate has
-) substantially complied with the procedure for
-) obtaining discharge under High Court, Original
-) Side Rules r/w. the provisions and Rules framed
-) under the Advocates Act.
-)
-) 5. In view of above, Chamber Order is allowed
-) and signed separately. Advocate, M/s. L.C. Tolat &
-) Co. has been discharged on behalf of the Defendant
-) No. 6. Office to delete the name of Advocate, M/s.
-) L.C. Tolat & Co., as Advocate for the Defendant No.
-) 6 in the present matter. M/s. L.C. Tolat & Co.,
-) Advocates to communicate this Order to the
-) Defendant No. 6 and thereafter, Defendant No. 6 to
-) engage another Advocate, if he so desires.
-)
-) 6. Chamber Order is disposed of accordingly.

Date : 20.12.2024

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