

Before: **Shri S. S. Agate**

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 16th October, 2024

CALLED FOR DIRECTION:

1. IA/3065/2024
[Original]
IN
COMS/158/2021

) Mr. Ajay S. Pagedar, Adv. for Applicant.

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) Ms. Jarni Agarwal, Adv. i/b. Shardul Amarchand
) Mangaldas for Plaintiff.

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P C. : 1. This Interim application is taken out by Mr. Ajay Shashikant Pagedar, under Rule-188 of the Bombay High Court (Original Side) Rules, 1960 seeking discharge for Defendants in Commercial Summary Suit No. 158 of 2021.

2. The Applicant has filed Affidavit of service dated 13th August 2024. Inspite of service none appears on behalf of Defendants.

3. I have perused the Application, I am satisfied that the Applicant has made out the case for discharge. Para Nos 4 to 7 are relevant for granting discharge, which are reproduced as :

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

4. On 12th July 2024, when the captioned matter was listed, the Applicant could not appear. The said matter was adjourned to 19th July 2024.

5. Applicant Advocates appears in the Court in 19th July 2024 and informed the Hon'ble Court that he is not receiving any instructions in the matter and prayed for discharging him from the matter. The Hon'ble Court has granted liberty to the Applicant advocate to take appropriate steps

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[illegible]

6. Accordingly, the Applicant sent notice to the Defendant by registered AD informing him to make necessary arrangement in the matter as he wants discharge in the matter. The copy of the said notice along with the track report is enclosed herewith as Exh. A. The Applicant states and submits that since the Defendants have not provided any instructions, the Applicant would request this Hon'ble Court to discharge the Applicant as the Advocate for the Defendants in the captioned suit and direct the Plaintiffs to issue a fresh notice to the Defendants separately.

4. In view of the above, Interim Application is allowed in terms of prayer (c) The Applicant to communicate this Order to Defendants.

5. Interim Application is disposed of.

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