

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.10 OF 2011

IN

WRIT PETITION NO.2267 OF 1990

AMBARNATH SAH.SAMUDAIK SHETKI

SOC.LTD.AND ORS.

...Appellants

VS

STATE OF MAHARASHTRA AND ORS. ...Respondents

With

INTERIM APPLICATION NO. 11554 OF 2025

Mr.Atul G. Damle, Senior Advocate i/b. Mr. Rupesh R. Lanjekar, for Appellants.

Ms. Neha Bhide, Government Pleader with Mr. P.G. Sawant, AGP, for the State-
Respondent Nos.1 to 5.

Mr. Balkrishna D. Joshi, for Respondent No.6.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 13 NOVEMBER 2025

P.C.

1. This is a Letters Patent Appeal of the year 2010. It has been appearing on the board for quite some time. We have accorded utmost priority to old matters which are required to be taken up and decided, as assigned to this Bench by the Hon'ble the Chief Justice. We are reluctant to adjourn any old matters. Accordingly, we have proceeded to hear this appeal.

2. We have heard Mr. Damle, learned Senior Counsel appearing for the appellants who has concluded his submissions. However, Mr. Sawant, learned Assistant Government Pleader for the State has stated that on the earlier occasion a

senior counsel was briefed to appear on behalf of the State who has recently returned the brief, and now a new senior counsel is being engaged. He, therefore, seeks an adjournment. Resultantly, although the parties are fully aware of the present proceedings being listed on the causelist for quite sometime, we are unable to hear the arguments of the respondent-State as the learned AGP himself is not prepared to argue the matter on the ground that a Senior Counsel is now being briefed. We do not accept such position taken by the learned AGP. Once the matters are continuously listed on board for hearing, they cannot be adjourned on such ground. Hence, reluctantly we adjourn the matter to **20 November 2025 (Part Heard)**. We, however, sound a note of caution and in all the old matters, learned Government Pleader shall be diligent to ensure that all the AGPs who are engaged for the State Government get ready to assist the Court and argue the matters, and no application for adjournment is made.

3. The present situation has not only caused adjournment of the present proceedings but also caused severe inconvenience to the Court. We accordingly, accept the request of Mr. Sawant, learned AGP to adjourn the proceedings, however, with costs of Rs. 10,000/-, to be deposited by the State Government with the Maharashtra State Legal Services Authority, which shall be the condition precedent.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)