

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

CALLED FOR HEARING AND FINAL DISPOSAL:

...2/-

Contd. ...2/-

4. CHOL/115/2025
in
EXA/1783/2015

9. CHOL/120/2025
in
EXA/1726/2018

13. CHOL/125/2025
in
COMEXL/2231/2018

14. CHOL/126/2025
in
COMEXL/1046/2019

) uncertainty and causing undue delay in the
) proceedings. In view of stagnation in the captioned
) matter and persistent unresponsiveness of the
) erstwhile counsel, the Applicant, vide its Vakalatnama
) dated 15.01.2025, appointed DKL Advocates (MAH-
) LF/745/2024) to act, appear, and plead on its behalf in
) the captioned matter.

) A copy of the Vakalatnama dated 15.01.2025,
) appointing DKL Advocates (MAH-LF/745/2024)
) annexed as Annexure – C.

)
) 4. I say that the Applicant further vide its email dated
) 17.01.2025, reiterated its decision to appoint and
) engage the services of Advocate Devesh Khara
) (MAH/3024/2015) acting through DKL Advocates
) (MAH-LF/745/2024), and also stated that, the
) erstwhile counsel has failed to appear in the captioned
) matter and has not been responding to repeated
) requests for the issuance of a No Objection Certificate
) (NOC) thereby causing undue hardship to the Applicant
) in the effective prosecution of the captioned
) proceedings. Under such circumstances, the Applicant
) instructed Advocate Devesh Khara (MAH/3024/2015)
) acting through DKL Advocates (MAH-LF/745/2024) to
) do all such acts which are necessary to ensure effective
) legal representation before this Hon'ble High Court. A
) copy of the email dated 17.01.2025 is annexed as
) Annexure – D.

)
) 5. I state that pursuant to Applicant's decisions to
) appoint, Advocate Devesh Khara (MAH/3024/2015)
) acting through DKL Advocates (MAH-LF/745/2024)
) and in accordance with established procedure, a letter
) dated 21.01.2025 was issued by Advocate Devesh
) Khara (MAH/3024/2015) acting through DKL
) Advocates (MAH-LF/745/2024) on behalf of the
) Applicant, calling upon the erstwhile counsel to provide
) their No Objection Certificate (NOC) and to return all
) relevant case files pertaining to the captioned matter at
) the earliest, and in any case, before 28.01.2025.
) Despite such express request, the erstwhile counsel
) failed to reply/respond to the said communication.
) A copy of the letter dated 21.01.2025, sent to the
) erstwhile counsel by the Applicant, along with the
) acknowledgement receipt, is annexed as Annexure – E.

)
) 6. I state that the erstwhile counsel has failed to
) respond to the aforesaid communication dated
) 21.01.2025, thereby failing to provide any reason for

) ...3/-

Contd. ...3/-	)	withholding the NOC and relevant case files. However
	)	in any case, assuming but not admitting that the NOC
4. CHOL/115/2025	)	is withheld due to any unpaid remuneration, the
in	)	erstwhile counsel has legal remedies available at
EXA/1783/2015	)	appropriate forum for recovery of any outstanding
	)	professional fees. It is settled principle of law, that the
9. CHOL/120/2025	)	right of litigant to have the case filed returned to him
in	)	ins a corresponding counterpart of the professional duty
EXA/1726/2018	)	of the advocate and the dispute regarding fees (if any)
	)	would be a lis to be decided in proceeding before the
13. CHOL/125/2025	)	appropriate forum and not in present proceedings. I
in	)	say that, in pursuance to exercising its rights, the
COMEXL/2231/2018	)	Applicant has executed a Vakalatnama in favour of
	)	DKL Advocates (MA-LF/745/2024) and accordingly
14. CHOL/126/2025	)	seeks the discharge of the erstwhile counsel in the
in	)	captioned matter.
COMEXL/1046/2019	)	A Vakalatnama executed by the Applicant in favour of
	)	DKL Advocates (MAH-LF/745/2024) IS already
	)	annexed as Annexure – ‘C’.”
	)	
	)	4. I am satisfied that the Applicant has
	)	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 above, Chamber Order is allowed
	)	and signed separately. Advocates Ramesh Jain and
	)	Kusum Jain, have been discharged on behalf of
	)	the Applicant in respective captioned matters.
	)	Office to delete the name of Advocates Ramesh
	)	Jain and Kusum Jain as Advocate for the
	)	Applicant in respective captioned matters.
	)	Applicant to communicate this Order to the
	)	Advocate Ramesh Jain and Kusum Jain and
	)	thereafter, Applicant to engage another Advocate,
	)	if they so desire.
	)	
	)	6. Chamber Order is disposed of accordingly.
	)	
	)	
	)	

24.03.2025

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