

ary

Before: Shri S. S. Agate

Addl. Registrar (O.S.) /

Addl. Prothonotary and Senior Master

Date : 24th March, 2025.

CALLED FOR HEARING AND FINAL DISPOSAL:

11. CHOL/122/2025) Mr. Shreyas Shrivastava a/w Devesh Khara
in) i/b DKL Advocates, Advocate for the Applicant.
COMEX/1549/2018)

12. CHOL/123/2025 in EXA/1817/2015	) PC.:) 1. This Chamber Order is taken out by M/s.) Paisalo Digital Limited (formerly known as S. E.) Investments Ltd.), Applicant seeking discharge on) behalf of erstwhile Advocate Vaishali Deoram) Padale appearing for the Applicant in the) respective captioned matters.
16. CHOL/128/2025 in EXA/880/2022	)
23. CHOL/130/2025	)

22. CHOL/139/2025)
in)
EXA/2028/2015) 2. Applicant has filed Affidavit of service dated
) 19.03.2025. Inspite of service, today no one is
) present on behalf of Advocate Vaishali Deoram
) Padale.

3. Perused Affidavit in support dated 10.02.2025.
Para – 2, 4, 5 and 6 are relevant which are reproduced hereunder;

) "xx
) 2. I say that, the Applicant had initially engaged,
) Vaishali Deoram Padale, Advocate as its legal
) representative to appear and plead before this Hon'ble
) Court, at the time of filing the captioned Application.
) However, since the filing of the matter, the said
) counsels have neither appeared in the captioned
) proceedings nor communicated any inability to proceed
) with the same, thereby causing prejudice to the rights of
) the Applicant.

) A copy of the case status showing orders, taken out
) from the official website of Bombay High Court is
) annexed as Annexure - B.

3. I state that, despite multiple communications and reminders, the said counsels failed to respond to the

...2/-

Contd. ...2/-	)	Applicant, thereby leaving the Applicant in a state of
	)	uncertainty and causing undue delay in the
11. CHOL/122/2025	)	proceedings. In view of stagnation in the captioned
in	)	matter and persistent unresponsiveness of the
	)	erstwhile counsel, the Applicant, vide its Vakalatnama
COMEX/1549/2018	)	dated 15.01.2025, appointed DKL Advocates (MAH-
	)	LF/745/2024) to act, appear, and plead on its behalf in
12. CHOL/123/2025	)	the captioned matter.
in	)	A copy of the Vakalatnama dated 15.01.2025,
EXA/1817/2015	)	appointing DKL Advocates (MAH-LF/745/2024)
	)	annexed as Annexure – C.
16. CHOL/128/2025	)	
in	)	4. I say that the Applicant further vide its email dated
EXA/880/2022	)	17.01.2025, reiterated its decision to appoint and
	)	engage the services of Advocate Devesh Khara
22. CHOL/139/2025	)	(MAH/3024/2015) acting through DKL Advocates
in	)	(MAH-LF/745/2024), and also stated that the
EXA/2028/2015	)	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
	)	...3/-

Contd. ...3/-	)	21.01.2025, thereby failing to provide any reason for
	)	withholding the NOC and relevant case files. However
11. CHOL/122/2025	)	in any case, assuming but not admitting that the NOC
in	)	is withheld due to any unpaid remuneration, the
COMEX/1549/2018	)	erstwhile counsel has legal remedies available at
	)	appropriate forum for recovery of any outstanding
12. CHOL/123/2025	)	professional fees. It is settled principle of law, that the
in	)	right of litigant to have the case filed returned to him
EXA/1817/2015	)	ins a corresponding counterpart of the professional duty
	)	of the advocate and the dispute regarding fees (if any)
16. CHOL/128/2025	)	would be a lis to be decided in proceeding before the
in	)	appropriate forum and not in present proceedings. I
EXA/880/2022	)	say that, in pursuance to exercising its rights, the
	)	Applicant has executed a Vakalatnama in favour of
22. CHOL/139/2025	)	DKL Advocates (MA-LF/745/2024) and accordingly
in	)	seeks the discharge of the erstwhile counsel in the
EXA/2028/2015	)	captioned matter.
	)	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. Advocate Vaishali Deoram
	)	Padale, has been discharged on behalf of the
	)	Applicant in respective captioned matters. Office
	)	to delete the name of Advocate Vaishali Deoram
	)	Padale as Advocate for the Applicant in respective
	)	captioned matters. Applicant to communicate this
	)	Order to the Advocate Vaishali Deoram Padale 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