

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:

7. CHOL/118/2025) **Mr. Shreyas Shrivastava a/w Devesh Khara**
in) **i/b DKL Advocates, Advocate for the Applicant.**
EXA/2073/2016)
)
8. CHOL/119/2025)
in) **P.C.:**
EXA/1818/2015) 1. This Chamber Order is taken out by S. E.
) Investments Ltd., Applicant seeking discharge on
10. CHOL/121/2025)
in) behalf of erstwhile Advocate Vaishali Deoram
COMEX/59/2016) Padale appearing for the Applicant in the
) respective captioned matters.
18. CHOL/130/2025)
in)
COMEX/1613/2018) 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
7. CHOL/118/2025	)	proceedings. In view of stagnation in the captioned
in	)	matter and persistent unresponsiveness of the
EXA/2073/2016	)	erstwhile counsel, the Applicant, vide its Vakalatnama
	)	dated 15.01.2025, appointed DKL Advocates (MAH-
8. CHOL/119/2025	)	LF/745/2024) to act, appear, and plead on its behalf in
in	)	the captioned matter.
EXA/1818/2015	)	A copy of the Vakalatnama dated 15.01.2025,
	)	appointing DKL Advocates (MAH-LF/745/2024)
10. CHOL/121/2025	)	annexed as Annexure – C.
in	)	
COMEX/59/2016	)	4. I say that the Applicant further vide its email dated
	)	17.01.2025, reiterated its decision to appoint and
18. CHOL/130/2025	)	engage the services of Advocate Devesh Khara
in	)	(MAH/3024/2015) acting through DKL Advocates
COMEX/1613/2018	)	(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
	)	...

...3/-

Contd. ...3/-	)	21.01.2025, thereby failing to provide any reason for
	)	withholding the NOC and relevant case files. However
7. CHOL/118/2025	)	in any case, assuming but not admitting that the NOC
in	)	is withheld due to any unpaid remuneration, the
EXA/2073/2016	)	erstwhile counsel has legal remedies available at
	)	appropriate forum for recovery of any outstanding
8. CHOL/119/2025	)	professional fees. It is settled principle of law, that the
in	)	right of litigant to have the case filed returned to him
EXA/1818/2015	)	ins a corresponding counterpart of the professional duty
	)	of the advocate and the dispute regarding fees (if any)
10. CHOL/121/2025	)	would be a lis to be decided in proceeding before the
in	)	appropriate forum and not in present proceedings. I
COMEX/59/2016	)	say that, in pursuance to exercising its rights, the
	)	Applicant has executed a Vakalatnama in favour of
18. CHOL/130/2025	)	DKL Advocates (MA-LF/745/2024) and accordingly
in	)	seeks the discharge of the erstwhile counsel in the
COMEX/1613/2018	)	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