

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

CALLED FOR HEARING AND FINAL DISPOSAL:

...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