

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 77 of 1979****With****CIVIL APPLICATION (MODIFICATION/DELETION OF CONDITION) NO. 1
of 2023****In R/FIRST APPEAL NO. 77 of 1979****With****R/FIRST APPEAL NO. 478 of 1979****With****CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2023****In R/FIRST APPEAL NO. 478 of 1979**

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HEIRS OF MAHANT DAYARAMDAS- BAI PADMA WD/O DAYARAMDAS &
1 other(s)

Versus**CHARITY COMMISSIONER & 28 other(s)****Appearance:**

MR ARPIT A KAPADIA(3974) for the Appellant(s) No. 1.6

(MR AT THAKORE)(908) for the Defendant(s) No. 25

GOVERNMENT PLEADER for the Defendant(s) No. 1

MR TEJAS P SATTA(3149) for the Defendant(s) No. 17

NOTICE SERVED for the Defendant(s) No. 10,14.2,18,6,8,9

NOTICE UNSERVED for the Defendant(s) No.

11,13.1,13.2,13.3,13.4,13.5,14.1,15,16.2,19.1,3,5,7

UNSERVED EXPIRED (N) for the Defendant(s) No. 2.1,26,27,28,29,4.1

CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI**Date : 10/07/2023****ORAL ORDER**

[1] Today, the captioned matters are placed before this Court on the note being filed by learned senior counsel Mr.Percy Kavina.

[2] These matters are circulated today at 2.30 p.m.

for the reason that when these matters were posted for hearing on 07.07.2023, during the course of hearing, learned senior counsel Mr.Percy Kavina with learned advocate Mr.Tejas Satta was very aggressive and he made some submissions which have caused damage to the Institution.

[3] Today, learned senior counsel Mr.Mehul Shah with learned advocate Mr.Arpit Kapadia are present before this Court.

[4] Learned senior counsel Mr.Percy Kavina has submitted that he is seeking unconditional apology of this Court for the words used by him during the course of hearing on 07.07.2023.

[5] It is the submission of learned senior counsel Mr.Percy Kavina to accept his unconditional apology. It is further submitted by learned senior counsel Mr.Percy Kavina that only the Court concerned can accept or reject the unconditional apology tendered by him.

[6] In view of the above submissions, this Court is

of the opinion that what has happened on 07.07.2023, should not have been happened and the words used by learned senior counsel Mr.Percy Kavina were derogatory. Since the proposed *suo-motu* Contempt proceedings have not yet commenced, the learned senior counsel Mr.Percy Kavina may request the concerned Hon'ble Division Bench for seeking unconditional apology.

(D. M. DESAI,J)

MANOJ