

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION NO. 1213 of 2018

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KINJAL DASHRATHBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR MAULIK N SHAH(5280) for the PETITIONER(s) No. 1
MS TEJAL A VASHI(2704) for the RESPONDENT(s) No. 2,3
PUBLIC PROSECUTOR(2) for the RESPONDENT(s) No. 1

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CORAM: HONOURABLE MS JUSTICE SONIA GOKANI

Date : 26/11/2018

ORAL ORDER

1.This Court notices that the appellant-Mr.Kinjal Dashratbhai Patel has filed a note on September 10, 2018.

2.Learned advocate, Mr.Maulik Vaghela with regard to the filing of Vakalatpatra for the petitioner where he had expressed his desire to change the learned advocate on record since learned advocate, Mr.Maulik Shah represented him earlier.

3. Since learned advocate, Mr.Maulik Shah is required to give his consent in wake of Rule 436 of the Gujarat High Court Rules, 1993, he is before this Court and after making his submissions with regard to the fees that he needs to collect from the appellant, he is in

no uncertain term expressed his consent to change of Vakalatpatra.

4. The note also needs to be made here of the decision of the Apex Court rendered in case of ***R.D. Saxena vs Balram Prasad Sharma, reported in AIR 2000 SC 2912***, where the Apex Court recognizes and emphatically voiced that it is the litigant who has a prerogative right to engage an advocate of his choice. For whatever reason, if the litigant is not desirous of continuing an advocate, nobody would have right to preclude him from proceeding the matter.

5. Let the name of Mr. Maulik Vaghela, learned advocate be reflected as an advocate for the appellant. Name of learned advocate, Mr. Maulik Shah shall stand deleted. The office shall take note of this aspect.

The main appeal shall be posted for final hearing on December 03, 2018.

(MS SONIA GOKANI, J)

M.M.MIRZA