

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO. 1002 OF 2010
WITH
CIVIL APPLICATION NO. 7569 OF 2010
IN
WP/6659/2008
WITH

CIVIL APPLICATION NO. 8636 OF 2009
IN
WP/6659/2008
WITH

WRIT PETITION NO. 6659 OF 2008
WITH
CIVIL APPLICATION NO. 10893 OF 2009
IN
WP/6659/2008

BALASAHEB VISHWANATH INZE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Rahul Pawar
h/f. Mr. Nangare Prashant R.

AGP for Respondent Nos. 1 & 2 : Mr. V.M. Chate
Advocate for Respondent No. 3 : Mr. V.V. Bhavthankar
Advocate for Respondent No. 4 : Mr. R.B. Narwade

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CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 28 AUGUST 2024

PER COURT :

Learned Advocate Mr. Rathi was appearing for the
respondent no. 5 in Writ Petition No. 1002 of 2010 and for the

petitioner in Writ Petition No. 6659 of 2008 was seeking discharge. We had indicated in the order dated 13 August 2024 that he would stand discharged only if he complied with and followed the procedure prescribed by the Rules of the Bombay High Court framed under the Advocates Act.

2. It appears that he had issued a notice to the client calling upon him to respond and informing him that, else he would be seeking discharge. This is not the communication contemplated under the Rules. There is no statement intimating the clients that he was withdrawing the appearance. Even though, the office has marked that Advocate S.S. Rathi stands discharged by virtue of our order dated 13 August 2024, there was no strict compliance according to the Rules. He cannot be discharged.

3. It is being pointed out by the learned Advocate for the writ petitioners from writ petition no. 1002 of 2002 that by communication dated 24 January 2023, the Deputy Commissioner had informed that the matter was under consideration and appropriate decision regarding absorption of the petitioners would be taken. He submits that nothing further has transpired since the date of this communication.

4. Learned AGP shall take instructions in this regard by the next date.

5. Stand over to 13 September 2024.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Thakur-Chauhan/-