

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 2421 OF 2018
IN
NOTICE OF MOTION NO. 1590 OF 2018
IN
SUIT NO. 876 OF 2018**

Chandrakant Mulchand Shah ...Plaintiff
Versus
Jiraj Developer LLP & Ors ...Defendants

Mr Gauraj Shah, i/b Chitnis Vaithy & Co, for the Plaintiff.
Mr Aseem Naphade, with Tanmay Vispute, i/b Utangale & Co, for
the Defendant No. 2.

CORAM: G.S. PATEL, J
DATED: 16th March 2020

PC:-

1. I have already issued a notice saying that it is not necessary to mention matters for circulation and, for the convenience of the Bar and to save time, parties are allowed to put in praceipes for matters that are truly urgent and require ad-interim reliefs. The notice clearly says that if no urgency is found costs may be imposed.

2. The present listing for ad-interim reliefs is thoroughly irresponsible. It is a regular contempt motion. There can be no urgency in this. The Advocates could not possibly have advised to the parties that the matter could be listed or got listed for ad-interim reliefs especially in view of the restrictions notified on Saturday, 14th March 2020 the matter ought not to have been listed, nor should the Advocates for the Plaintiff have even ventured to suggest that there is any kind of urgency.

3. There are now two possible solutions. The first is to completely withdraw the facility extended to the Bar completely and instead to require everybody to consume the better part of an hour or more mentioning matters making out a ground for urgency before circulation. Undoubtedly, several Advocates and parties will be inconvenienced, but it is the Advocates in this matter who will have to explain themselves to their colleagues because they alone bear that responsibility. The other alternative is to do what was said in the notice and to impose costs. That is preferable because others at least will not be inconvenienced. I am now told by Mr Shah that the Advocates had advised the client not to insist. Yet he insisted. That is no answer. It is not unreasonable to expect Advocates to inform their clients of what is and is not possible or permissible, and not to act on their every wish.

4. There will, therefore, now be an order of costs against the Plaintiff in the amount of Rs. 15,000/- payable to St Jude India ChildCare Centres, Cotton Green Campus, Bombay Port Trust Colony, Rajas Nagar, Zakaria Bunder Road, Cotton Green (East), Mumbai 400 033.

5. This also is not enough. The matter will now be listed last on board on 26th June 2020. There will be no opportunity to mention the matter either for an early listing or for a priority listing on the supplementary board.

(G. S. PATEL, J)