(1926) 01 BOM CK 0043

In the Bombay High Court

Case No : O.C.J. Appeal No. 115 of 1923

Nowroji Pudumji Sirdar APPELLANT

Vs

Kanga and Sayani RESPONDENT

Date of Decision : 27-01-1926

Acts Referred:

Citation : (1926) 28 BOMLR 384

Hon'ble Judges : Norman Macleod, J;Coyajee, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Norman Macleod, Kt., C.J.—Messrs. Kanga and Sayani, a firm of solicitors practising in Bombay, obtained an order on ''November 26, 1924, that the Taxing Master of this Court should tax the applicant''s bill of costs, charges and expenses between attorney and client in the matter of professional services rendered by them to Sirdr Nowroji Pudumji. The bills were very numerous. It is conceded that any bills lodged according to that order which were connected with work done by members of the solicitors'' firm who happened to ba pleaders, on the appellate side of the High Court, would have to be excluded. The remaining bills mostly deal with work done by Messrs. Kanga and Sayani for the opponent in the mofussil Courts,

2. On September 28, 1925, the opponent took out a summons against Messrs, Kanga and Sayani for an order that the Taxing Mister should not proceed with the taxing of the bills referred to in the summons, The chief ground on which the summons was taken out was that the bills were in respect of'' work which had nothing to do with the Original Side of the High Court. And it was also contended that when Mr. Kanga, ona of the partners of Messrs, Kanga and Sayani, rendered professional services in the Poona Court, he did so as a pleader, and not as a member of a solicitors'' firm,

3. We see no reason why a solicitor practising in Bombay and performing

professional services for a client regarding business in the mofussil, should not be entitled to send a bill to his client for such professional services, and if the client declines to pay, why he should not be entitled to come to the Court and ask for a common order to get the bills taxed by the Taxing Master. It may be that hereafter attorneys will come within the provisions of the Bombay Pleaders Act (Bombay Act XVII of 1920) with regard to any work done in the mofussil Courts. We are not concerned with that Act at present, as the work for which the respondents are charging was done before that Act came into force. Nor are we now concerned with the difficulties which may arise when the Taxing Master is taxing the bills. We need only say we think that Rule 494 justified the order made on the Taxing Master to tax the bills of Messrs, Kanga and Sayani excluding those relating to work done on the appellate aide of the High Court, The appeal must be dismissed with costs, No order as to costs of the summons.