



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.6768 OF 2023 (GM-RES)

BETWEEN:

R.C. NAGARAJ
S/O CHANNABASAPPA
AGED ABOUT 56 YEARS
NO.G-4
BRIGADE GARDENS CHURCH STREET
BENGALURU - 560 001.

....PETITIONER

(BY SRI. G.S. KANNUR, SENIOR ADVOCATE FOR
SRI. KURANDWAD GOPALAKRISHNA PRALHAD, ADVOCATE)

AND:

1. BAR COUNCIL OF INDIA
21, ROUSE AVENUE
INSTITUTIONAL AREA
NEAR BAL BHAWAN
NEW DELHI - 110 002.
2. THE KARNATAKA STATE BAR COUNCIL
BY ITS SECRETARY
OLD ELECTION COMMISSION BUILDING
DR. AMBEDKAR ROAD
BENGALURU - 560 001.



3. DR. BHAVANI
W/O SURESH BABU
AGED ABOUT 63 YEARS
R/O NO.74, DORCHESTER AVENUE
WARWICK PERTY WA
AUSTERLIA -6024.

...RESPONDENTS

(BY SMT. ANUBHA SRIVASTAVA, ADVOCATE FOR R1;
SRI. G. NATARAJ, ADVOCATE FOR R2;
SRI. CHANDRAKANTH R. GOULAY, ADVOCATE FOR
SRI. A.S. NAVEEN, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENTIRE PROCEEDINGS PENDING CONSIDERATION BY THE FIRST RESPONDENT IN D.C.E.NO.54/2022 ANNEXURE-P REFERRED BY THE SECOND RESPONDENT.

THIS WRIT PETITION HAVING BEEN RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, **E.S. INDIRESH J.**, MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE E.S. INDIRESH

CAV ORDER

1. In this writ petition, petitioner is assailing the proceedings in DCE No.54/2022 (Annexure-P) before the respondent No.1 referred to it by the respondent No. 2 under the provisions of the Advocates Act.
2. Facts in nutshell for the purpose of adjudication of this writ petition are that, the petitioner claims to be an Advocate having legal profession in Bangalore for more than 32 years and



having unblemished record throughout his professional career. The respondent No.3 has approached the petitioner seeking legal services in respect of the filing of vakalath named on behalf of respondent No.3 and to contest the suit on merits in O.S.No.4813/2016 before the Additional City Civil Judge, at Bengaluru, wherein the respondent No.3 herein was the defendant No.5. It is further stated in the writ petition that the said suit came to be rejected upon the application filed by the defendants therein under Order VII Rule 11 of CPC. Being aggrieved by the same, the plaintiffs in the suit filed RFA No.1652/2019 before this Court and this Court vide order dated 16.01.2020 allowed the appeal and remanded the matter to the Trial Court for fresh consideration. This Court directed the parties to appear before the Trial Court on 30.03.2020. In the meanwhile, respondent No.3 sought legal advice from the petitioner herein as to remove the encroachment by third parties at her site and as such the petitioner and respondent No.3 made spot inspection. In this regard, the petitioner has quoted Rs.1,00,000/- as legal fees including filing writ petition before this Court, and as such respondent No.3 issued two cheques for a sum of Rs.50,000/- each. The petitioner has



realized one cheque for sum of Rs.50,000/- and another cheque was returned to the respondent No.3 to make online payment of Rs.50,000/- to the account of the petitioner. It is stated in the writ petition that the petitioner in all received Rs.1,00,000/- as legal fee.

3. It is further stated in the writ petition that on account of lockdown during Covid pandemic, the petitioner was not able to file vakalathnama before Trial Court in Original Suit as the Courts were not functioning regularly. However, the petitioner advised the respondent No.3 to prefer Special Leave Petition before the Hon'ble Supreme Court against the Judgment and Decree in RFA.No.1652/2019. The respondent No.3 has contacted an advocate at Hon'ble Supreme Court for filing appropriate petition before the Hon'ble Supreme Court and requested the petitioner to co-ordinate with the learned counsel representing the respondent No.3 before the Hon'ble Supreme Court for filing of petition and such requirements. Petitioner has produced the interaction of briefing the matter to the learned counsel at Delhi as per Annexure-A series. The petitioner has supplied all the relevant documents with brief notes with grounds to be urged in the Special Leave Petition, to the



learned counsel appointed by the respondent No.3 at Delhi. Thereafter, SLP No.10692/2020 was filed before the Hon'ble Supreme Court and by order dated 16.10.2020 (Annexure-B), Hon'ble Supreme Court, stayed the further proceedings before the trial Court. Thereafter, no proceedings were continued before the Trial Court and finally Hon'ble supreme Court by order dated 14.09.2021 (Annexure-C), allowed the petition preferred by the respondent No.3 and as such confirmed the order of rejection of the suit in O.S.No.4813/2016. In that view of the matter, the petitioner has not filed vakalathnama before the trial Court. In the meanwhile, the petitioner has prepared representation seeking removal of encroachment by the third parties, and thereby addressed to the BBMP and Police Commissioner Bengaluru at the instance of the respondent No.3 as per Annexure-D to remove encroachments made in the site belonging to the respondent No.3. In this regard the exchange of E-mails between the petitioner and respondent No.3 is produced at Annexure-E. Since, the petitioner was affected with Covid pandemic, the petitioner requested his office colleague to represent the writ petition to be filed before this Court and same was informed to respondent No.3 and



exchange of E-mails between the petitioner and respondent No.3 is produced at Annexures F and G respectively. Accordingly, WP.No.7171/2021 was filed before this Court by the colleague of the petitioner, representing respondent No.3 herein as per Annexure-H. It is also to be noted that the respondent No.3 has instructed the petitioner to refund the legal fee with interest for which the petitioner and respondent No.3 have had unhealthy conversation between themselves, which has resulted in finally the respondent No.3 filing complaint against the petitioner before respondent No.2 as per Annexure-J of the writ petition. Since the proceedings before the respondent No.2 was not concluded within time frame and accordingly, as per S.35(2) of the Advocates Act, 1961 (hereinafter referred to as 'the Act'), the proceedings were withdrawn from respondent No.2 and made over to respondent No.1. Feeling aggrieved by the impugned proceedings before the respondent No.1, the petitioner has presented this writ petition.

4. I have heard Sri. G.S. Kannur, learned Senior Counsel appearing on behalf of Sri. K.G. Pralhad, learned counsel for the petitioner, Smt. Anubha Srivastava, learned counsel for the



respondent No.1, Sri. G. Nataraj, learned counsel for the respondent No.2, and Sri. Chandrakanth R. Goulay, learned counsel appearing on behalf of Sri. A.S. Navin, learned counsel for the respondent No.3.

5. Sri. G.S. Kannur, learned Senior Counsel appearing for the petitioner, contended that, the petitioner has received Rs.1,00,000/- as legal fee from the respondent No.3 in connection with the proceedings in O.S.No.4813/2016 and in this regard, advised the respondent No.3 as to file appeal before the Hon'ble Supreme Court and as such, assisted the learned counsel Sri. Sham Agarwal, Advocate on record for the petitioner in SLP No.10692/2020 and as such, invited the attention of the court to Annexure- A series. It is contended by the learned Senior Counsel that, the respondent No.3 succeeded before the Hon'ble Supreme Court and as such, the suit came to be dismissed, which is a favourable order for the respondent No.3 and also invited the attention of the Court to the exchange of e-mails as per Annexure-E to G, wherein, the writ petition was filed before this Court on behalf of the respondent No.3 and on account of the Covid pandemic, the petitioner has entrusted the work to his office colleague and as



such, submitted that, the complaint itself is not maintainable as bereft of facts and accordingly, sought for interference of this Court. It is also submitted by the learned Senior Counsel as to reply filed by the petitioner herein before the respondent - Bar Council and submitted that, the petitioner has rendered legal service to the respondent No.3 and therefore, sought for setting aside the impugned proceedings before the respondent No.1.

6. Per contra, Sri. Chandrakant R. Goulay, learned counsel representing on behalf of Sri. A.S. Naveen, learned counsel for respondent No.3 vehemently, argued that, the petitioner has committed misconduct having received Rs.1,00,000/- as legal fee and has not rendered any legal service to the respondent No.3 properly and that apart, the legal fee claimed is excessive and exorbitant and therefore, contended that, the impugned proceedings be continued before the respondent No.1. It is further contended by the learned counsel for the respondent No.3 that, the petitioner has not represented the respondent No.3 in W.P.No.7171/2021 and same was entrusted to his junior colleague and therefore, sought for dismissal of the Writ Petition.



7. Learned counsel appearing for the respondent Nos.1 and 2 submitted that, there is no impediment for continuing the proceedings against the petitioner and as such, sought for dismissal of the writ petition.

8. In the light of the submissions made by the learned counsel appearing for the parties, it is not in dispute that, O.S.No.4813/2016 was filed before the Trial Court seeking relief of partition and separate possession and in the said proceedings, the respondent No.3 herein, was one of the defendants. The said suit came to be rejected as the defendants have filed application under Order VII Rule 11 of CPC. Being aggrieved by the same, the plaintiffs have preferred RFA No.1652/2019 before this Court and the Appeal came to be allowed on 16.01.2020, remanding the matter to the Trial Court for fresh consideration and this Court directed the parties to appear before the Trial Court on 30.03.2020. It is also not in dispute that, SLP No.10692/2020 was filed before the Hon'ble Supreme Court, challenging the order of remand made by this Court in RFA No.1652/2019 and the Hon'ble Supreme Court, by order dated 16.10.2020 (Annexure-B), granted interim order staying the further proceedings before the Trial Court. It is



forthcoming from Annexure-A1 and A2, wherein, the petitioner herein has assisted for filing of SLP before the Hon'ble Supreme Court and has briefed the learned counsel Sri. Sham Agarwal before the Hon'ble Supreme Court. It is pertinent to mention here that, the SLP No.10692/2020 filed by respondent No.3 before the Hon'ble Supreme Court came to be allowed on 14.09.2021 (Annexure-C) and as such, the order passed by the Trial Court, rejecting the plaint was confirmed. Be that as it may be, the perusal of the exchange of e-mails at Annexures - E, F & G, would indicate that, the respondent No.3 has appreciated the efforts made by the petitioner as to filing of the W.P.No.7171/2021 before this Court and the matter was represented by junior colleague of the petitioner. It is to be noted that, during the said period, covid pandemic was prevailing in the State of Karnataka. It is also to be noted that, the respondent No.3 has issued two cheques for a sum of Rs.50,000/- each to the petitioner, however, the petitioner has realised one cheque for a sum of Rs.50,000/- and the remaining cheque for a sum of Rs.50,000/- was returned to the respondent No.3, with an instruction to send Rs.50,000/- through RTGS. If at all, the petitioner is after money as



contended by the learned counsel for the respondent No.3 and needs to compel the respondent No.3 to pay more legal fee, the petitioner ought to have realised the second cheque instead of instructing the respondent No.3 to pay Rs.50,000/- through RTGS. It is also to be noted that, Sri. H.M. Vishwanath, learned counsel representing the respondent No.3 in W.P.No.7171/2021 was the junior colleague of the petitioner. Sri. H.M. Vishwanath, learned counsel was entrusted to appear on behalf of the petitioner in W.P.No.7171/2021 at the instance of the respondent No.3. It is pertinent to mention here that, nowhere in the complaint at Annexure-J, the respondent No.3 alleged that, she has paid to Sri. H.M. Vishwanath, learned junior colleague of the petitioner herein to represent in W.P.No.7171/2021, which makes it clear that, the legal fee paid by the respondent No.3 to the petitioner has been utilised for the purpose of filing of W.P.No.7171/2021.

9. That apart, the exchange of e-mails at Annexure-A series, would indicate that the petitioner has assisted the learned counsel representing the respondent No.3 before the Hon'ble Supreme Court. It is evident from Annexure-A3 to the writ petition. It is not in dispute that respondent No.3 succeeded



before the Hon'ble Supreme Court. It is also pertinent to mention here that, the perusal of e-mails at Annexures - E, F & G would indicate the exchange of discussion between the petitioner, respondent No.3 and Sri. H.M. Vishwanath as to filing of writ petition before this Court. Perusal of Annexure-F would indicate that, the respondent No.3 appreciated the legal service rendered by the petitioner stating that, " you have done it very well.", which indicates the legal service rendered by the petitioner to the respondent No.3. In that view of the matter, I am of the view that, the proceedings before the respondent Nos.1 and 2 at the behest of the respondent No.3 is required to be quashed as the end result would be nothing but exonerating of the charges levelled against the petitioner. Therefore, I find force in the submission made by the learned Senior Counsel appearing for the petitioner that, the end result of the complaint by the respondent No.3 against the petitioner would be a futile exercise. It is pertinent to mention here that, though the complaint was filed before the respondent No.2 and in view of S.36(2) of the Act, the proceedings before the respondent No.2 was withdrawn and made over to respondent No.1 for enquiry.



10. Taking into consideration the foregoing reasons as the petitioner has rendered legal service to the respondent No.3 in a manner known to law and as such, the complaint filed by respondent No.3 is frivolous and bereft of merits and accordingly, I pass the following:

ORDER

- (i) The writ petition is allowed.
- (ii) The proceedings in DCE No.54/2022 (Annexure-P) before the respondent No.1 is hereby set aside.
- (iii) Complaint at Annexure-J filed by the respondent No.3 is hereby dismissed.

**Sd/-
(E.S.INDIRESH)
JUDGE**

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List No.: 1 Sl No.: 2