



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 20<sup>TH</sup> DAY OF FEBRUARY, 2026**

**PRESENT**

**THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE**

**AND**

**THE HON'BLE MR. JUSTICE C.M. POONACHA**

**WRIT APPEAL NO. 1322 OF 2024 (GM-RES)**

**BETWEEN:**

1. KARNATAKA STATE BAR COUNCIL  
OLD ELECTION BUILDING  
DR B R AMBEDKAR VEEDHI  
BENGALURU-560001  
BY ITS SECRETARY

...APPELLANT

(BY SRI. NATARAJ G., ADVOCATE)

**AND:**

1. CHANNABASAPPA LINGAPPA  
MOKHASHI  
S/O LATE LINGAPPA MOKHASHI  
AGED 78 YEARS  
R/AT NO 3138/2, WARD NO 19,  
S.Y.M. SOUNDATTI YELLAMMA MUNICIPALITY  
RAMAPUR SITE SAUNDATTI  
BELGAUM DISTRICT-591126
2. THE STATE OF KARNATAKA  
BY ITS SECRETARY TO THE DEPARTMENT OF LAW  
GROUND FLOOR, VIDHANA SOUDHA  
BENGALURU 560001

...RESPONDENTS

(BY SRI ANGADI S.V., ADVOCATE FOR R-1 &  
SMT. NAMITHA MAHESH B.G., AGA FOR R-2)

Digitally  
signed by  
SRIDEVI S  
Location:  
High Court  
of Karnataka



THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 28.06.2024 BEING PASSED IN WRIT PETITION No. 2156/2024, THE KARNATAKA HIGH COURT, AT BENGALURU APPROACH THIS HONBLE COURT SEEKING FOR SETTING ASIDE THE SAME IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE  
and  
HON'BLE MR. JUSTICE C.M. POONACHA

**ORAL ORDER**

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present application – I.A.No.2/2025 seeking recall of the order, whereby the appeal was dismissed on account of non-curing of objections. The appellant has cured the objections. Hence, the application is allowed and the appeal is restored.
2. The appellant has filed the present appeal impugning an order dated 28.06.2024 passed by the learned Single Judge in WP.No.2156/2024 (GM-RES).
3. The respondent, who is an advocate, had filed the said petition impugning an endorsement dated 29.07.2021, whereby his



request for return of the original Enrolment Certificate (Certificate No.MYS 80-1973) was rejected on the basis of a Resolution No.9/2020 dated 11.01.2020.

4. The appellant had passed the said resolution to the effect that those advocates who had availed benefits of retirement were not eligible for consideration for fresh enrolment. In view of the said endorsement, the respondent was precluded from practicing as an advocate. It is his contention that such a restraint would be *ultra vires* to the Constitution of India.

5. Briefly stated the facts are that the respondent, who was enrolled with the then Mysore Bar Council on 17.07.1973 had decided to surrender his sanad and to avail the benefits under the Karnataka Advocates' Welfare Fund Act, 1983 due to the Covid-19 pandemic. However, after the pandemic had subsided, the respondent once again sought to take up practice and therefore made an application for return of his sanad, which he had surrendered.

6. The principal question that fell for consideration of the learned Single Judge was whether an advocate who had



surrendered his sanad was entitled to seek the same. The learned Single Judge had found merit in the challenge raised by the respondent and accordingly set aside the endorsement order dated 29.07.2021. However, the court had also directed that the respondent to refund the funds received from the Advocate's Welfare Fund.

7. This Court is informed that pursuant to the impugned order, the appellant has returned the sanad to the respondent. He has also complied with the directions to refund the benefit that had been availed by him on surrender of his certificate. The respondent is now practicing as an advocate.

8. In view of the above, we do not consider it apposite to entertain the present appeal. However, we clarify that the questions of law as raised, remain open.

**Sd/-  
(VIBHU BAKHRU)  
CHIEF JUSTICE**

**Sd/-  
(C.M. POONACHA)  
JUDGE**