

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 211 OF 2019

Radhika W/o. Prasad Lokhande Applicant

Versus

Prasad S/o. Rajendra Lokhande Respondent

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Mr Shrikishan S. Shinde, Advocate for the applicant

Mr V. G. Sakolkar, Advocate for the respondent

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CORAM : RAVINDRA V. GHUGE, J.
DATED : 23RD SEPTEMBER, 2019

PER COURT:-

1. Before the hearing in the matter commenced, the learned advocate for the applicant/wife placed on record a communication received by him dt. 11.09.2019 issued by Mr. Rajendra Suresh Lokhande. Same is marked as “Exh. X-1” for identification. His address is mentioned on the said letter.

2. The learned counsel for the applicant submits that, Mr. Lokhande has held out threats, tacitly, in the said communication. The learned advocate further submits that, the very opening paragraph of the communication indicates that, Mr. Lokhande desired to demonstrate that he is working in the Registry of the Bombay High Court, Bench at Aurangabad and one of his

friends informed him about the proceedings filed in this court. He has said several other things in this communication including questioning the knowledge of the learned advocate for the petitioner that he does not know that only two paragraphs have to be pleaded in such application and much details are not to be mentioned. He has also called upon the learned advocate to issue a copy of written instructions from his client signed and verified on oath under his signature. He would be approaching the Secretary, Bar Council of Maharashtra and Goa, for necessary action. The learned advocate for the applicant-wife, therefore, feels that he is not only intimidated, but is insulted and threatened with action under the Advocates Act, 1961.

3. The learned advocate for the respondent-husband submits that, the respondent is extending his consent for allowing this Misc. Civil Application and transferring the proceedings from Aurangabad to Basmat, Dist. Hingoli.

4. In view of the above, this petition is allowed in terms of prayer clause 'B', which reads as under : -

“By issuance of appropriate writ, order or direction in like nature the proceedings bearing Petition no. A-36/2019 pending with the file of Ld. Family Court at Aurangabad be transferred to the Ld. Civil Judge, Senior Division, at Basmat, Dist. Hingoli.”

5. The litigating sides shall appear before the Court at Basmat, Dist. Hingoli, on 10.10.2019. Formal notices are not required to be issued.

6. The learned advocate for the respondent - Shri. Sakolkar submits that, the father of the respondent - Shri. Rajendra Suresh Lokhande would tender an apology to this Court. Though Shri. Sakolkar has urged that this Court should accept his apology, I am unable to do so in view of the contents set out in the letter by the concerned Mr. Lokhande, who tried to demonstrate his influence and has already referred the matter against the learned advocate for the wife to the Bar Council of Maharashtra and Goa and has further called upon the advocate to issue a document sworn on oath by the wife with his signature on the drafting of the petition so as to take action against him. This is a clear act of interference in the dispensation of justice and the justice administration system.

7. This matter is, therefore, referred to the learned Registrar (Judicial) of this Bench to initiate appropriate action with regard to the conduct of Shri. Rajendra Suresh Lokhande, by following the due procedure laid down in law.

[RAVINDRA V. GHUGE]
JUDGE

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