

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO.220 OF 2019
IN MCA/211/2019

PRASAD RAJENDRA LOKHANDE
VERSUS
RADHIKA PRASAD LOKHANDE

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Advocate for Applicants : Shri Sakolkar Vijay G.
Advocate for Respondents : Shri Shinde S.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 22, 2019

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PER COURT :-

1. This Court had passed an order on 23.9.2019 recording the conduct of Shri Rajendra Suresh Lokhande, who is the father of the review applicant. The respondent is the wife of the review applicant. Considering the controversy created by Shri Rajendra Suresh Lokhande this Court had issued certain directions in paragraph Nos.6 and 7, which read as under:-

"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. "

2. The above directions were the result of the submissions of the parties recorded in paragraph Nos.1 and 2 of the order dated 23.9.2019, which read as under:-

"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. X1" 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. By this review application, the original respondent in the MCA and the applicant / husband herein, has presented the personal apology affidavit submitted by Shri Rajendra Suresh Lokhande, at pages 16 to 18 of the review application. A written personal unconditional apology is offered by him to Advocate Shri Shinde and a further undertaking is given that henceforth there shall be no interference or exchange of correspondence by Shri Rajendra Suresh Lokhande with any of the family members, friends and relatives of the respondent / wife.

4. Shri Shinde, learned Advocate submits that he has suffered mental agony on account of the conduct of Shri Rajendra Suresh

Lokhande. His client has also suffered interference of Shri Rajendra Suresh Lokhande in her marital matters. Details have been set out in the affidavit-in-reply indicating the continued interference by Shri Rajendra Suresh Lokhande since 2017 onwards. He had also moved the educational institution, in which, her parents were employed and it was prayed that disciplinary action be taken against the parents of the wife.

5. Shri Shinde further submits that Shri Rajendra Suresh Lokhande pursued the educational institution and further demanded that action be initiated. He now submits on instructions from the wife, present in the Court and also on his own behalf that they are not accepting the said apology and are not willing to pardon Shri Rajendra Suresh Lokhande.

6. This is a peculiar matter in which the learned Advocate Shri Shinde, his client and the parents of the client were allegedly threatened by Shri Rajendra Suresh Lokhande. Noticing a direct interference in the justice dispensation system, that this Court had passed the order on 23.9.2019. If the respondent / wife and her Advocate pardon Shri Rajendra Suresh Lokhande, this Court could record such statement and modify its earlier orders. However, since the learned Advocate Shri Shinde and his client are rejecting the

apology tendered and are not prepared to pardon Shri Rajendra Suresh Lokhande, I do not find that this Court can exercise its review jurisdiction.

7. In view of the above, this review application is disposed off. However, a copy of this order along with the affidavit tendered by Shri Rajendra Suresh Lokhande dated 10.8.2019, be placed before the learned Registrar (J) of this Court.

(RAVINDRA V. GHUGE, J.)

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