

Ashwini V

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 819 OF 2023**

Govind Malwad & Anr

...Petitioners

Versus

The Secretary, Bar Council of Maharashtra and
Goa & Anr

...Respondents

Mr Govind Malwad, *for the Petitioner-in-person present online.*
Mr Shrikant Rathi, *i/b Makrand Bakore, for Respondent No. 1.*
Mr Shekhar Jagtap, *with Rhea Francis, for Respondent No. 2-BCI.*
Mr Pravin Ranpise, *Secretary of Respondent No. 1 present.*

**CORAM: G.S. Patel &
Neela Gokhale, JJ.**

DATED: 11th April 2023

PC:-

1. The 1st Petitioner appears online. He has not complied with the directions in paragraph 5 of our order of 21st March 2023. So that there is no ambiguity we reproduce the order of 21st March 2023:

1. The 1st Petitioner appears online. He is apparently the son of the 2nd Petitioner. The Respondents are the Bar Council of Maharashtra and Goa and the Bar Council of India. Neither of them has been served. We do not know why.

2. The relief sought in the Petition appeared to be directed against one or both of the Respondents in regard to a Disciplinary Case No. 51 of 2020. The prayers seem to me to be for the appointment of a member or a group of members to hear DC No. 51 of 2020.

3. Mr Jagtap for the 1st Respondent states that he has not been served. He has only been informed that such a case is on board.

4. That is no way to proceed. If the Petitioners appear in person, then they must do everything that is required and do it in a proper fashion. We have no difficulty with the Petitioners appearing online since the hybrid mode in this Court is always available throughout the day and no one needs to seek prior permission before appearing online. But this does not mean that routine procedures, such as service, are not followed such as service.

5. **We have also had occasion today to caution the Petitioners against persisting with an utterly unacceptable and even deplorable practice of engaging in inappropriate email correspondence with our Registry-level staff. Some of these emails have been placed before us and one look at the small compilation placed by the Registry tells us that this is reason enough to censure the Petitioners and to prevent the Petitioners from appearing in person. Mr Malwad, the 1st Petitioner, accepts that he will apologise to the individual he has named and against whom he has made allegations. We accept that statement.**

6. Mr Malwad is in Beed. Having regard only to that fact, we excuse him from having to travel to Mumbai for this purpose. But we do expect to see by the next occasion an email to the officer or officers in question by which he expresses his sincere regrets for his previous choice of language and promises not to repeat it. An enquiry is one

thing and is perfectly legitimate. Engaging in this kind of vituperative language is not.

7. Private service is to be effected by 3rd April 2023. We also permit service by courier. The Bar Council of Maharashtra and Goa will require physical service in addition to email service.

8. List the Petition on 11th April 2023.

9. The Registry is directed not to take any steps against the officers mentioned in Mr Malwad's correspondence. If any notice or memo is issued, it should be withdrawn and the matter closed.

2. Today we asked Mr Malwad whether he is willing to comply with the directions in paragraph 5, in which case we would extend time. He says instead that we "have no jurisdiction" and that he refuses to comply with paragraph 5.

3. We decline to entertain Petition at the instance of a person like this. We are found Mr Malwad's conduct with our staff to be unacceptably obstreperous and aggressive, to the point that he reduced at least one of our staff to a breakdown. He refuses to comply with routine procedures for curing filing defects. His emails to the staff are full of personal invective and the most hurtful sarcasm. Our staff is in no position to respond, and we believe we are duty-bound to protect them from such personal attacks. Whoever or whatever Mr Malwad is, or thinks he is, he is not exempt from complying with court procedures.

4. He is also incorrect in believing that someone has conferred him the authority to decide whether or not to comply with our

directions. These are orders of a court, not suggestions or recommendations, and they are to be followed. If Mr Malwad is aggrieved by our directions, he must explain (a) why he did not say so at the time the order was dictated in open court and clearly audible online; (b) made no application thereafter for modification (and none is made now); or (c) did not challenge the order. Instead, he believes he can blithely pick and choose what portion of what order he will follow and what he will not. He has no explanation. He expresses no regret.

5. We decline to waste our scarce time and resources on a party who conducts himself like this, whatever be the merits of his case.

6. The Petition is rejected.

7. Mr Malwad's conduct throughout at every level has been deplorable. Even today, appearing online, he has needlessly raised his voice — even throughout the dictation of this order, and also thereafter. He has, quite simply, abused the online / hybrid facility that we have, even after the lockdown, scrupulously kept available for all without need of prior leave or explanation. Given his conduct, that facility is immediately withdrawn for any future or further proceeding he chooses to file, and Mr Malwad will have to appear physically.

8. The Registry is advised not to enter into any email or digital correspondence with Mr Malwad.

9. A copy of this order is to be forwarded to the Registrar-General for necessary directions.

(Neela Gokhale, J)

(G. S. Patel, J)