

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO. 850 OF 2024

Vaishnavi Caim Sambuddha

... Appellant

Versus

Alok Nath Sambuddha

...Respondent

Mr. Sunil S. Gosavi for the Appellant.

Mr. Naveen Sharma for Respondent (Through VC).

Ms Vaishnavi C. Sambuddha Appellant is present.

Mr. Altaf Khan a/w. Mr. Arvind Kumar Singh i/b. Ms Supriya Ghadge.

CORAM : M. M. SATHAYE, J.

DATED : 2nd DECEMBER 2024

P.C.:

1. On 29.11.2024 (Friday) an order is passed by this Court in Interim Application No. 15214 of 2024 refusing to stay the impugned order dated 19.11.2024. The order was passed after hearing learned Counsel for the parties. The Appeal from Order is pending.

2. On that day (29.11.2024) when the order was passed, the Appellant, the Respondent and the child in question was present in the Court.

3. After the order was passed on Friday, on the next date i.e. 30.11.2024 (Saturday) at 7.05 am, this Court (M. M. Sathaye, J.) i.e. myself received a whatsapp message on my personal mobile number, from an unknown number. I blocked the said number. Thereafter, at 7.41 am, this Court (M. M. Sathaye, J.) i.e. myself again received series of Whatsapp messages and videos from another number, clearly indicating that the sender of the

messages was present in the Court when the order was passed on Friday. Today (Monday), in the Court, the Appellant is present personally and when asked specifically by me, she has admitted that she has sent those messages to me. The printouts of the messages received by me, are being placed on record and marked as **“X” collectively** (pages 1 to 6). Office is directed to place these printouts alongwith this order.

4. The order was passed after hearing both sides through their lawyers and what is stated in the messages could have been pointed out by the lawyer or the parties, before the order was passed.

5. In my prima facie view, clearly an attempt has been made by the Appellant to over-reach the law to interfere with the administration of Justice and to try to influence the mind of the Judge and this conduct is bordering on the contempt of the Court. This can not be taken lightly. Considering the nature of the impugned order and the relationship between the parties and that the custody of a child was involved, this may be a case of desperate attempt by a mother. However, it is done in a completely inappropriate way.

6. Before taking any further decision or action in the matter, I find it appropriate to call for an explanation from the Appellant for such conduct, explaining her conduct as also explaining how the personal mobile number of this Court (M. M. Sathaye, J) was obtained. The Applicant must also show cause, why appropriate action as provided under law, should not be initiated against her for such conduct.

7. The Appellant is directed to file an affidavit explaining her conduct as well as to show cause, as required above, within 2 weeks from today.

8. Learned Counsel who appeared for the Appellant in the matter on Friday (Mr. Sunil S. Gosavi) has informed the Court that on Saturday, certain conversation has taken place between him, the person who referred this matter to him from Delhi and the Appellant. He submits that the course adopted by the Appellant is condemnable and in these circumstances, he does not wish to continue as an advocate of the Appellant and seeks discharge. He has placed the printout of an email dated 30/11/2024 and Whatsapp chats between him and the Appellant as well as transcript of the conversation he had with the Appellant and the other person. The same is taken on record and marked as **“Y” collectively** (pages 1 to 7), to be placed alongwith this order. Advocate Mr. Sunil Gosavi is discharged.

9. The Appellant who is present in the Court, on being asked by the Court, submits that she is going to file Vakalatnama of another lawyer, who is apparently present in the Court. However, Mr. Altaf Khan a/w. Mr. Arvind Kumar Singh i/b. Ms Supriya Ghadge submitted that, after coming to know in the Court today, what has transpired on Friday and Saturday, they require clear instructions from the Appellant, before Vakalatnama is filed.

10. Place the matter for further consideration / order on 17/12/2024.

(M. M. SATHAYE, J.)