

(This order is corrected as per speaking to minutes of order dated 23rd December 2025)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

WRIT PETITION (STAMP) NO.24320 OF 2025

YASH SANJAY SALE

VERSUS

SONAM YASH SALE AND ANOTHER

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 13th OCTOBER, 2025.

ORDER:-

1. The report along with covering letter dated 3rd October, 2025 submitted by Smt. S. V. Gharge, Judge, Family Court, Solapur is placed before this Court.

2. The background of aforesaid report is as under:

The present Writ Petition was filed challenging order dated 23rd April, 2025 passed by Judge, Family Court, Solapur in Petition D-24/2023, R.D. No.04/2025 and Petition A. No.506/2023, whereby Judge, Family Court had noted misconduct on part of respondent-Sonam Yash Sale and her Advocate Mr. Hemant Surve and directed parties to take appropriate steps seeking transfer of proceeding pending before her.

On 08th August, 2025, this Court observed that conduct of Advocate Mr. Hemant Surve, learned Advocate appearing for respondent was in complete breach of Section 49(1) of Advocate Act,

1961 and Rules framed thereunder concerning Standards of Professional Conduct and Etiquette. This Court formed, *prima facie*, opinion that conduct of Mr. Hemant Surve as recorded in order dated 23rd April, 2025 by Judge, Family Court, Solapur, *prima facie*, amounts to interference in administration of justice. Accordingly, Mr. Hemant Surve was called upon to remain present before this Court.

3. On 13th August, 2025, Mr. Hemant Surve, learned Advocate appeared before Court and tendered apology for his conduct and assured that he will act in accordance with Rules governing Advocates framed by Bar Council of India concerning Standards of Professional Conduct and Etiquette. He submitted written apology, which reads thus:

“At the outset, I respectfully appologise for the conduct alleged in the order dated 23.04.2025 before the Hon’ble Family Court at Solapur in Petition No.D-24/202, A-506/2023 and D-24/2023”

4. This Court has taken on record written apology of Mr. Hemant Surve and marked it as “X” for identification. Apart from that Mr. Hemant Surve assured this Court that he will tender apology to concerned Judge of Family Court at Solapur.

5. The learned Advocates for both parties i.e. Mrs. Gulestan Dubash, learned Advocate for petitioner and Mr. Hemant Surve, learned Advocate for respondent stated before this Court that they shall file joint application or separate application before Judge, Family

Court, Solapur within period of 15 days seeking recall of order dated 23rd April, 2025, by which Judge, Family Court had directed parties to file appropriate proceeding for transfer of petitions pending before her.

6. Accordingly, this Court accepted apology tendered by Mr. Hemant Surve and disposed of Writ Petition.

7. In pursuance to aforesaid order, petitioner Mr. Yash Sale filed application on 25th August, 2025 before Family Court to recall order dated 23rd April, 2025 and proceed in matters as per merit. The Judge, Family Court issued notice to respondent-Mrs. Sonam Yash Sale. The respondent tendered her reply contending that she is desirous to prefer transfer application before appropriate Forum seeking transfer of all proceeding from concerned Hon'ble Judge of Family Court. Advocate Mr. Hemant Surve has taken appropriate remedial measures as regards to order dated 13th August, 2025 passed by this Court.

8. On 28th August, 2025, Mr. Hemant Surve, learned Advocate appeared before Family Court and submitted that statement made by him before Hon'ble High Court was not on instructions of his client nor with her authority. Therefore, respondent can prefer transfer petitions as per her desire.

9. On 29th August, 2025, respondent filed reply to petitioner's application seeking recall of order dated 23rd April, 2025, which has been filed in furtherance of orders passed by this Court, wherein many

contemptuous statements are made against learned Judge of Family Court, Solapur as well as this Court.

10. The order dated 08th August, 2025 records aforesaid aspects and brings to notice of this Court conduct of Advocate Mr. Hemant Surve and respondent-Sonam Yash Sale. The aforesaid sequence of events and material tendered before this Court alongwith report dated 08th September, 2025 forwarded by Judge, Family Court, Solapur is sufficient to form, *prima facie*, opinion that Advocate Mr. Hemant Surve and respondent-Sonam Yash Sale have indulged in civil as well as criminal contempt of Family Court as well as this Court. Hence, office to register Suo Motu Contempt Petition and issue notice in Format to Advocate Mr. Hemant Surve, learned Advocate for respondent and respondent-Sonam Yash Sale, returnable on 10.11.2025.

(S. G. CHAPALGAONKAR)
JUDGE