

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 539 OF 2020**

Mr. Dinkar Chandru Patil And Ors.

... Petitioners

**Versus**

The State of Maharashtra, & Ors.

... Respondents

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*Mr. Vaibhav Gaikwad for the Petitioner.*

*Mr. V. M. Mali AGP for the Respondent-State.*

*Mr. Vitthal Konde Deshmukh (Thr VC) for the Respondent No. 3.*

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**Coram :** M. S. Karnik &  
Sharmila U. Deshmukh, JJ.

**Date :** September 22, 2025.

**P. C. :**

1. Writ Petition is of the year 2020. The paper-book is not available on the record pursuant to the transfer of this Petition from Principal Seat (Bombay) to this Bench. Learned Counsel for the petitioner has placed on record two sets of the Writ Petition for our perusal. Mr. Vitthal Konde Deshmukh, appearing for the Respondent No. 3, who is the contesting respondent does not dispute the paper-book and has no objection for the same be taken on record for reconstruction and passing appropriate

orders thereon.

**2.** The Office is directed to reconstruct the proceedings on the basis of the paper-book of Writ Petition No. 539 of 2020, which is placed on record today by the learned Counsel for the petitioner.

**3.** Heard learned Counsel for the petitioners.

**4.** By this Petition, filed under Article 226 of the Constitution of India, the present petitioners, who are advocates, are challenging the legality and validity of impugned orders and Judgment dated 21<sup>st</sup> August, 2017 passed by the Disciplinary Committee of the Bar Council of Maharashtra and Goa in the Disciplinary Complaints filed by the Indian Advocate Multi State Multi Purpose Co-operative Society Ltd against the petitioners. Only some facts are relevant.

**5.** Loan was sanctioned by the respondent No. 2-the Indian Advocate Multi State Multi Purpose Co-operative Society Ltd in favour of the petitioner Nos. 1, 3, 4 and 5 on 22<sup>nd</sup> March, 2013. The petitioner No. 2 stood as surety for above mentioned petitioners. The abovesaid petitioners made default in repayment of the loan installments due to financial crunch. A Disciplinary Complaint under Section 35 of Advocates Act, 1961, was preferred by respondent No. 2 before respondent No. 3-the Bar Council of Maharashtra & Goa on 20<sup>th</sup> July, 2016 for non-payment of due loan amount as against petitioner Nos. 1, 2, 3, 4 and 5.

*Ex-parte* Judgment and order was passed by Committee constituted by respondent No. 3 against the petitioners on 21<sup>st</sup> August 2017. The petitioners were suspended from the advocates roll for a period of 2 years and were further directed to pay jointly and severally the loan amount alongwith interest @ 15% from the date of defalcation. The petitioners deposited the outstanding loan amount alongwith interest on 26<sup>th</sup> October, 2017 as directed by judgment and order of Committee and the same has been acknowledged by the Respondent No. 2.

**6.** We have not addressed the question as to whether the Committee constituted by the respondent No. 3 can issue such directions for repayment of loan amount alongwith interest and whether the default in repayment of loan can form the basis for the petitioners' suspension from the advocates roll for a period of two years. Suffice it to observe that Mr. Vitthal Konde Deshmukh appearing for the respondent No. 3 fairly submitted on instructions that if the entire loan amount as directed has been paid, there should be no difficulty in allowing this Petition in terms of prayer clause (b).

**7.** Learned Counsel for the petitioner, on instructions, submits that the matter will not be agitated any further as they have already paid the loan amount to respondent No. 2 in terms of the directions of the Committee constituted by respondent No. 2, and they stand by such

payment. They are only concerned with the stigma attached as a result of the suspension order. Now that this Petition is allowed, there is no question of any stigma attached to the petitioners as a result of the impugned order.

**8.** Writ Petition is allowed in terms of prayer clause (b) which reads thus:

*“(b) That this Hon’ble Court be pleased to quash and set-aside impugned judgments and orders passed by the committee of Respondent No. 3 dated 21<sup>st</sup> August, 2017 in DC No. 227/2016, 228/2016, 229/2016 and 230/2016 against the Petitioners.”*

[ Sharmila U. Deshmukh, J. ]

[ M. S. Karnik, J. ]