

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

INTERIM APPLICATION NO.195 OF 2025

IN

WRIT PETITION NO.3707 OF 2022

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Sabina Lakdawala

...Applicant

Versus

Feroze Y. Lakdawala & Ors.

...Respondents

WITH

WRIT PETITION NO.3707 OF 2022

Sabina Lakdawala

...Petitioner

Versus

Komal Singh Rajput & Ors.

...Respondents

WITH

WRIT PETITION NO.713 OF 2023

Feroze Lakdawala & Anr.

...Petitioners

Versus

Sabina Lakdawala & Anr.

...Respondents

Mr. Mathews Nedumpara a/w Ms. Hemali Kurne, Mr. Akhilesh Nair and Mr. Satsang Tailor, for the Applicant/Petitioners.

Mr. Ashish Venugopal a/w Mr. Akshay Naik i/b Mr. Sagar Shetty, for the Respondent Nos.2, 3 and 6 to 8.

Mr. Hiten Venegaonkar, PP a/w Ms. A. S. Gotad, APP for the Respondent-State.

Mr. Subhash Jha for Mr. Mathews Nedumpara.

CORAM: MADHAV J. JAMDAR, J.

DATED: 17 APRIL 2025

P.C.:

1. Heard Mr. Venugopal, learned Counsel appearing for the Respondent Nos.2, 3 and 6 to 8.

2. This Court passed following Order on 2nd April 2025:

“1. Mr. Ashish Venugopal, learned Counsel appearing for the Respondent Nos.2, 3 and 6 to 8, states that Respondent Nos.2 and 3 will pay in the account of the Applicant - Sabina Lakdawala an amount of Rs.8,00,000/- within a period of 2 weeks from today.

2. The said statement made by Mr. Ashish Venugopal, learned Counsel on instructions of the Respondent Nos.2 and 3, is accepted as undertaking given to the Court by Respondent Nos.2 and 3.

3. Stand over to 17th April 2025 for reporting compliance of this Order. To be shown in the ‘Supplementary Board’.

4. The Respondent Nos.2 and 3 shall also remain present in this Court on the next date.”

(Emphasis added)

3. Pursuant to said Order dated 2nd April 2025, the Respondent Nos.2 and 3 are present in the Court. By said Order dated 2nd April 2025, the statement made on behalf of the Respondent Nos.2 and 3 has been accepted by this Court, that in the account of the Applicant - Sabina Lakdawala an amount of Rs.8,00,000/- will be deposited within a period of 2 weeks and the said statement has been accepted as undertaking given to this Court.

4. Mr. Venugopal, learned Counsel appearing *inter alia* for Respondent Nos.2 and 3 states that due to certain reasons the said statement could not be complied with. However, he states that within a short period a Demand Draft of an amount of Rs.8,00,000/- will be

handed over to the Applicant - Sabina Lakdawala. The Respondent Nos.2 and 3 are personally present in Court and tender unconditional apology.

5. Stand over to **28th April 2025**.

6. After the above Order is passed, Mr. Nedumpara, learned Advocate made following statements :-

- i. As this Court had told him to take a seat, he has been insulted.
- ii. He is not the slave of the Court.

7. As Mr. Nedumpara, learned Advocate made these statements, *prima facie* with an intention to humiliate and browbeat this Court and tarnish image of this Court, which amounts to contempt of the Court, this Court requested Mr. Nedumpara, learned Advocate to give citation of decision of the Supreme Court where he had been held guilty and he had given undertaking to the Supreme Court that he would not repeat such type of conduct. Mr. Nedumpara, learned Advocate stated that the said decision only applies to the Supreme Court. In the meanwhile, few Advocates who are present in Court gave the citation and when on iPad I was perusing the said decision, Mr. Nedumpara, learned Advocate left the Court Room without taking permission of the Court. Therefore, the Court Officials / Staff / Police were directed to ensure his presence and thereafter he again came to the Court.

8. At this stage, it is necessary to set out certain factual aspects to understand the context in which Mr. Nedumpara, learned Advocate made the above statements.

i. This matter was placed before this Court on 12th February 2025 and this Court passed following Order:

“1. Ms. Krushika Udeshi, learned Counsel appearing for the Petitioners in Criminal Writ Petition No.713 of 2023 seeks time.

2. Stand over to 13th February 2025. To be listed fairly high on board along with Writ Petition No.713 of 2023.

3. This matter is adjourned tomorrow as Mr. Nedumpara, learned Counsel appearing for the Petitioner in Writ Petition No.3707 of 2022 submits that for about last six months, the Petitioner’s step-son, who is the Petitioner in Writ Petition No.713 of 2023 has not paid any maintenance and has not complied with the order dated 23rd February 2022 passed by the learned Metropolitan Magistrate, 12th Court, Bandra, Mumbai below Exhibit-3 in C.C. No.1200191/DV/2021, as modified by the order dated 5th September 2022 passed by the learned Additional Sessions Judge, City Civil Court, Greater Mumbai in Criminal Appeal No.100137 of 2022 and Criminal Appeal No. 100166 of 2022 although there is no stay granted to the said orders.”

(Emphasis added)

ii. Thus, as Mr. Nedumpara, learned Counsel submitted that for about six months, the Petitioner was deprived of the maintenance, the matter was directed to be placed fairly ‘High on Board’ immediately on the next date i.e. on 13th February 2025.

- iii. On 13th February 2025, Mr. Venugopal, learned Counsel appearing for the Respondents submitted that efforts would be made to resolve the dispute amicably between the parties and comprehensive proposal would be given to the Petitioner. Therefore, the matter was adjourned to 27th February 2025 and it has been directed that such written comprehensive proposal be given on or before 24th February 2025.
- iv. On 27th February 2025, the matter is adjourned to 12th March 2025, for settlement.
- v. On 12th March 2025, this Court passed following Order:

“1. On the earlier date, learned Counsel appearing for Respondent Nos.1, 2 and 6 to 8 had tendered a “without prejudice” compromise proposal.

2. Mr. Nedumpara, learned Counsel for the Petitioner tenders a counter proposal.

3. Ms. Udeshi, learned Counsel for Respondent Nos.1, 2 and 6 to 8 states that the entire arrears of maintenance as per the Order dated 5th September 2022 passed by the learned Additional Sessions Judge, City Civil Court, Greater Mumbai in Criminal Appeal No.100137 of 2022 and Criminal Appeal No.100166 of 2022 will be paid on or before 31st March 2025.

4. The said statement made by Ms. Udeshi, learned Counsel for the Respondent Nos.1, 2 and 6 to 8, on instructions of the said Respondents, is accepted as undertaking given to the Court by the Respondent Nos.1, 2 and 6 to 8.

5. Stand over to 2nd April 2025 for reporting compliance of this Order.”

(Emphasis added)

Thus, it is clear that statement made on behalf of the Respondent Nos.2, 3 and 6 to 8 that entire arrears of maintenance would be paid on or before 31st March 2025, was accepted as undertaking given to this Court and the matter was kept for reporting compliance of the same.

- vi. On 2nd April 2025, Mr. Ashish Venugopal, learned Counsel submitted that the undertaking given earlier could not be complied with, however submitted that the same would be complied within a period of 2 weeks. In view of the said submission, this Court passed following Order on 2nd April 2025:

“1. Mr. Ashish Venugopal, learned Counsel appearing for the Respondent Nos.2, 3 and 6 to 8, states that Respondent Nos.2 and 3 will pay in the account of the Applicant - Sabina Lakdawala an amount of Rs.8,00,000/- within a period of 2 weeks from today.

2. The said statement made by Mr. Ashish Venugopal, learned Counsel on instructions of the Respondent Nos.2 and 3, is accepted as undertaking given to the Court by Respondent Nos.2 and 3.

3. Stand over to 17th April 2025 for reporting compliance of this Order. To be shown in the ‘Supplementary Board’.

4. The Respondent Nos.2 and 3 shall also remain present in this Court on the next date.”

(Emphasis added)

Thus, as the said undertaking given to this Court as recorded in

Order dated 12th March 2025 is breached, by Order dated 2nd April 2025, the Respondent Nos.2 and 3 were directed to remain present in this Court today i.e. on 17th April 2025. By said Order dated 2nd April 2025, the statement made by the learned Counsel appearing for the Respondent Nos.2 and 3 that they would pay an amount of Rs.8,00,000/- within a period of two weeks in the account of Applicant was accepted as undertaking given to this Court.

vii. At this stage, it is required to be noted that, on 2nd April 2025 also some submissions were sought to be made by Mr. Nedumpara, learned Counsel concerning the breach committed by the Respondent Nos.2, 3 and 6 to 8 and on that date also this Court told Mr. Nedumpara, learned Advocate that, as far as the Contempt is concerned, it is between the Court and the Contemnor and therefore he will not be heard as far as that aspect is concerned.

viii. The Supreme Court in the decision of ***Supreme Court Bar Association v. Union of India***¹, has held that a case of contempt of Court is not *stricto sensu a cause* or a matter between the parties *inter se*. It is a matter between the Court and the Contemnor. It is not, strictly speaking, tried as an adversarial litigation. The party which brings the contumacious conduct of

1 (1998) 4 SCC 409

the Contemnor to the notice of the Court, is only an informant and does not have the status of a litigant in the contempt of Court case.

- ix.** An undertaking which has been given to this Court and which has been recorded in the Order dated 12th March 2025 has been breached by the Respondent Nos.2 and 3 and therefore they have been directed to remain present in this Court by Order dated 2nd April 2025. Thus, this is not a case where even any litigant / informant has brought the said conduct to the notice of this Court. As the undertaking recorded in the Order dated 12th March 2025 passed by this Court has been breached, the further action has been taken by the Court.
- x.** Today, this matter appeared in the morning session and as per direction dated 2nd April 2025, the Respondent Nos.2 and 3 were not present in this Court and as request was made by Mr. Venugopal, learned Counsel appearing for those Respondents that they would come in this Court at 02:30 pm, the matter was kept back at 02:30 pm.
- xi.** At 02:30 pm, Mr. Venugopal, learned Counsel, tendered without prejudice proposal signed by Respondent Nos.2 and 3. However, this Court told Mr. Venugopal, learned Counsel that concerned Respondents have to comply with the undertaking given to this

Court. At that time, Mr. Nedumpara, learned Counsel appearing for the Applicant/Petitioner submitted that 7 days time be given to them and this Court again told Mr. Nedumpara, learned Counsel that as far as the Contempt is concerned, it is between the Court and the Contemnors and therefore request is made to Mr. Nedumpara, learned Counsel to take a seat.

xii. Thereafter, the above Order which has been recorded in Paragraph Nos.1 to 5, has been passed wherein statement made by Mr. Venugopal, learned Counsel appearing for Respondent Nos.2 and 3, on instructions of the Respondent Nos.2 and 3 who are present in Court, that a Demand Draft in the name of Ms. Sabina Lakadwala for an amount of Rs.8,00,000/- would be handed over to the Applicant within short period was recorded and therefore to ensure compliance of the said Order the matter was kept on 28th April 2025 at 02:30 pm.

9. After above Order is passed, Mr. Nedumpara, learned Counsel appearing for the Applicant/Petitioner submitted that as this Court has told him, “please, take a seat”, this Court has insulted him. Even while this Court is dictating this Order, Mr. Nedumpara, learned Counsel is trying to interfere and therefore this Court was once again required to tell to him “Please, take a seat”. The said conduct of Mr. Nedumpara, learned Advocate and further conduct to state that “he is not the slave

of the Court” and to leave the Court without taking any permission from the Court, clearly shows that Mr. Nedumpara has not acted like an Officer of the Court.

10. In this background, it is required to note the Rules framed by the Bar Council of India concerning Standards of Professional Conduct and Etiquette framed under Section 49(1) of the *Advocates Act, 1961*. The relevant Rules are as under :-

“Preamble

An advocate shall, at all times, comport himself in a manner befitting his status as an officer of the Court/a privileged member of the community and a gentleman, bearing in mind that what may be lawful and moral for a person who is not a member of the Bar, or for a member of the Bar in his non-professional capacity may still be improper for an advocate. Without prejudice to the generality of the foregoing obligation, an Advocate shall fearlessly uphold the interests of his client, and in his conduct conform to the rules hereinafter mentioned both in letter and in spirit. The rules hereinafter mentioned contain canons of conduct and etiquette adopted as general guides, yet the specific mention thereof shall not be construed as a denial of the existence of others equally imperative though not specifically mentioned.

Section I-Duty to the Court

- 1. An Advocate shall, during the presentation of his case and while otherwise acting before a Court, conduct himself with dignity and self-respect. He shall not be servile and whenever there is proper ground for serious complaint against a judicial officer, it shall be his right and duty to submit his grievance to proper authorities.*
- 2. An Advocate shall maintain towards the Court a respectful attitude, bearing in mind that the dignity of the judicial office is essential for the survival of a free community.”*

Thus, the Rules framed by the Bar Council of India concerning the

Standards of Professional Conduct and Etiquette *inter alia* provides that an advocate shall, at all times, comport himself in a manner befitting his status as an officer of the Court. An Advocate shall, during the presentation of his case and while otherwise acting before a Court, conduct himself with dignity and self-respect. An Advocate shall maintain towards the Court a respectful attitude, bearing in mind that the dignity of the judicial office is essential for the survival of a free community.

11. It is also required to note that the Supreme Court in the case of ***Re : Mr. Mathews Nedumpara***², after producing the contents of affidavit dated 27th March 2019 of Mr. Nedumpara, has observed as under :-

“...We have considered the affidavit so filed in the light of the incidents that have taken place in the Bombay High Court as well as in this Court.

5. Given the fact that Shri Nedumpara now undertakes to this Court that he will never again attempt to browbeat any Judge either of this Court or of the Bombay High Court, we sentence Shri Nedumpara to three months' imprisonment which is, however, suspended only if Shri Nedumpara continues in future to abide by the undertaking given to us today. In addition, Shri Nedumpara is barred from practising as an Advocate before the Supreme Court of India for a period of one year from today. This disposes of the punishment aspect of the contempt that was committed in the face of the Court.”

(Emphasis added)

Thus, what the Supreme Court has said that the contents of said affidavit dated 27th March 2019 of Mr. Nedumpara is considered in the

2 (2019) 19 SCC 454

light of the incidents that have taken place in the Bombay, High Court as well as in the Supreme Court. The Supreme Court further recorded undertaking to the effect that Mr. Nedumpara would never again attempt to browbeat any Judge either of the Supreme Court or of the Bombay High Court and sentenced him to three months imprisonment which is, however, suspended only if Mr. Nedumpara continues in future to abide by the undertaking given to the Supreme Court.

12. While finalising the draft of this Order, said decision of the Supreme Court in ***Mathews Nedumpara*** (supra) is again perused by this Court and it is noticed that by said order contempt notice is issued *inter alia* to Mr. Vijay Kurle as he had on behalf of Indian Bar Association, made complaint regarding conduct of the two Judges of the Supreme Court for taking contempt action against Mr. Nedumpara.

13. In the above background of the matter, it is required to be noted that this Court by detailed Order dated 9th April 2025 passed in Civil Revision Application No.189 of 2025 directed the Bar Council of Maharashtra and Goa to conduct appropriate enquiry into the conduct of Mr. Vijay Kurle, learned Advocate.

14. It is significant to note that when on 2nd April 2025 this Court told Mr. Nedumpara, learned Advocate that the Contempt is strictly between the Court and the Contemnor and therefore, he should not address the Court and he has been asked to take a seat, thereafter he

has not addressed the Court and no grievance is made that due to the same he has been insulted. It is significant to note that today again he tried to address the Court on the said issue and it was again informed to him that the Contempt is strictly between the Court and the Contemnor and therefore he would not be heard on that aspect and he was requested to take a seat. The only difference between 2nd April 2025 and today i.e. on 17th April 2025 is that between these two dates on 9th April 2025 this Court passed an Order directing the Bar Council of Maharashtra and Goa to conduct enquiry against said Mr. Vijay Kurle, learned Advocate. Thus, it is very clear that as this Court has passed Order directing that enquiry be conducted by Bar Council of Maharashtra and Goa in the conduct of said Mr. Vijay Kurle, learned Advocate, Mr. Nedumpara has stated that this Court has insulted him. It is very clear that the said allegation is made by Mr. Nedumpara to humiliate and browbeat this Court and to tarnish the image of this Court. It is very significant to note that said Mr. Vijay Kurle, Advocate also was present in this Court when this matter was heard.

15. The Supreme Court in the case of ***Re : Vijay Kurle & Ors.***³ has observed that the relationship between the Bench and the Bar should be a cordial relationship with mutual respect for each other. However, it is further observed that lawyers who try to browbeat or threaten Judges have to be dealt with firmly and there can be no ill-founded sympathy

3 (2021) 13 SCC 616

for such lawyers. Such lawyers do nothing to help the legal fraternity much less the Bar. As noted earlier the rules framed by the Bar Council of India specifically provides that an Advocate shall maintain towards the Court a respectful attitude, bearing in mind that the dignity of the judicial office is essential for the survival of a free community. An Advocate shall act at all time in a manner befitting his status as an officer of the Court.

16. At this stage, Mr. Nedumpara, learned Advocate made certain submissions. It is unfortunate that *inter alia* he repeated the same allegations against the Former Judge of this Court and also Former Judge of the Supreme Court of India. As Mr. Nedumpara made allegations that this Court has insulted him and as he left the Court Room without the permission of the Court, I have directed the Registry to record the proceedings.

17. Mr. Nedumpara, learned Advocate states that he is ready to make any sacrifices to ensure dignity of the Bar. In fact, what is required to be done by Mr. Nedumpara, learned Counsel is to follow the Standards of Professional Conduct and Etiquette framed under Section 49(1) of the *Advocates Act, 1961* and to strictly adhere to the undertaking given by him to the Supreme Court as recorded in ***Mathews Nedumpara*** (supra) to the effect that he would never again attempt to browbeat any Judge either of the Supreme Court or of the Bombay High Court.

18. Mr. Nedumpara, learned Advocate states that Mr. Subhash Jha, learned Counsel will appear for him and seeks time.

19. Mr. Subhash Jha, learned Counsel states that he will also require time. However, he submits that for last about 2 weeks there is confrontation between the Bar and Bench in various Courts. The said contention of Mr. Subhash Jha, learned Advocate is totally baseless. There is no confrontation between the Bar and the Bench and only action is being taken against very few Advocates who are scandalising the judiciary and browbeating the Judges.

20. Registry is directed to take steps to record the hearing of this matter on the next date.

21. Mr. Venugopal, learned Counsel appearing for the Respondent Nos.2 and 3 states that the Respondent No.2 and 3 will comply with the undertaking given to this Court as recorded earlier by 23rd April 2025.

22. Stand over to **24th April 2025 at 02:30 pm.**

[MADHAV J. JAMDAR, J.]