

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.195 OF 2025

IN

WRIT PETITION NO.3707 OF 2022

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

Ms. Hemali Kurne a/w Maria Nedumpara, Shameem Fayiz & Amit Kakri, for the Petitioners.

Mr. Ashish Venugopal a/w Sagar Shetty, Krushika Udeshi, Aprajita Mahto, Akshay Naik, Shubham More & Pranav Khatkul, for the Respondent Nos.2, 3 and 6 to 8 in IA/195/2025 in WP/3707/2022.

Mr. H. S. Venegavkar, PP a/w Ms. A. S. Gotad, APP, for the State of Maharashtra.

Mr. Subhash Jha for Mr. Mathews Nedumpara.

Ms. Nicky Pokar a/w Mr. Ghanshyam Upadhyay for Mr. Partho Sarkar.

CORAM: MADHAV J. JAMDAR, J.

DATED: 29 APRIL 2025

P.C.:

1. By Order dated 24th April 2025 this Court directed Mr. Sarkar,

and Mr. Nedumpara, learned Advocates to personally remain present in this Court. In spite of said direction both of them are absent.

2. As far as Mr. Nedumpara is concerned, Mr. Jha, appears for him. I have heard Mr. Jha, briefly. Mr. Nedumpara, who appears through Video Conferencing also insisted that he should be heard. As noted in earlier Order dated 17th April 2025, Mr. Nedumpara, stated that Mr. Subhash Jha, learned Advocate would appear for him. At that time also Mr. Nedumpara requested that he also should be heard in the matter and it was made clear that if Mr. Jha, learned Advocate is appearing for Mr. Nedumpara, then he would not be heard. However, inspite of this, today Mr. Nedumpara, insisted that he should be heard in the matter and disturbing the proceedings. As Mr. Nedumpara is not present in person inspite of direction, I directed the registry to discontinue VC access to Mr. Nedumpara. It is required to be noted that this Court has recorded in detail the conduct of Mr. Nedumpara, learned Advocate in the Order dated 17th April 2025.

3. Mr. Partho Sarkar, Advocate is also not personally present in Court. Ms. Nicky Pokar, learned Counsel tenders a pursis dated 29th April 2025. The contents of said pursis will be dealt with at appropriate stage. However, it is required to be noted that at the request of Mr. Jha, learned Advocate the conduct of Mr. Partho Sarkar was not mentioned in the Order dated 24th April 2025.

4. It is necessary to set out the relevant aspects :-

i. This Court by Order dated 12th March 2025 *inter alia* passed the following Order :-

“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)

ii. In the hearing held on 2nd April 2025 it transpired that the undertaking given to this Court by the Respondent Nos.1, 2 and 6 to 8 was breached and therefore this Court expressed that serious action needs to be taken against the Respondent Nos.1, 2 and 6 to 8. At that time Mr. Ashish Venugopal, learned Counsel appearing for them made certain statements in furtherance of compliance of the undertaking given to this Court. On the basis of the said statements 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)

It is required to be noted that when the matter was heard on 2nd April 2025, Mr. Nedumpara, learned Advocate tried to make submissions, however, this Court informed Mr. Nedumpara, learned Advocate that contempt is a matter between the Court and the Contemnor and therefore he would not be heard and request is made to him “to take a seat” and thereafter Mr. Nedumpara had not made any submissions and took seat. It is significant to note that at that time, Mr. Nedumpara, learned Advocate has not expressed that he was insulted by the Court by telling him “to take a seat”.

iii. This Court passed detailed Order dated 9th April 2025 in some other matter i.e. Civil Revision Application No.189 of 2025

inter alia recording conduct of Mr. Vijay Kurle, learned Advocate. Although, many Paragraphs of said Order dated 9th April 2025 are relevant wherein conduct of Mr. Vijay Kurle, learned Advocate is recorded, however, most relevant Paragraph Nos.9 and 10 read as under :-

***“9. The conduct of Mr. Vijay Kurle, learned Advocate clearly shows that instead of restraining and preventing the Applicant from resorting to sharp and unfair practices, Mr. Vijay Kurle, learned Advocate has acted as agent of the Applicant. Mr. Vijay Kurle, learned Advocate instead of acting as an Officer of the Court actively participated with the Applicant in resorting to sharp and unfair practice by appearing in the matter which has been completely heard and kept for passing order. Although it is informed to Mr. Vijay Kurle, learned Advocate that the matter is kept for passing order still to delay passing of order he sought adjournment for filing vakalatnama and for arguing the matter. The said conduct clearly shows that Mr. Vijay Kurle, learned Advocate has resorted to sharp and unfair practice with complete knowledge that the matter is completely heard and kept for passing order. Prima facie I am satisfied that Mr. Vijay Kurle, learned Advocate has committed misconduct. Thus, in the facts and circumstances it is necessary to direct that the Bar Council of Maharashtra and Goa to conduct enquiry in the conduct of Mr. Vijay Kurle, learned Advocate. It is specifically made clear that the observations made in this order regarding the conduct of Mr. Vijay Kurle, learned Advocate are prima facie and all contentions are expressly kept open to be decided in the said enquiry to be conducted by the Bar Council of Maharashtra and Goa, in accordance with law.*”**

10. It is also required to be noted that when this order is being dictated in the open Court, Mr. Vijay Kurle, learned Advocate wanted to leave the Court, however, this Court directed Mr. Vijay Kurle, learned Advocate not to leave the Court as this Court wanted to dictate the

entire order in his presence in view of the peculiar facts of the case and as set out hereinabove this Court will be directing in the operative part of the order to the Bar Council of Maharashtra and Goa to conduct enquiry in his conduct.”

The following portion of the operative order is also relevant :-

“vi. In the facts and circumstances of this case as more particularly set out in the Order, the Bar Council of Maharashtra and Goa is directed to conduct appropriate enquiry in the conduct of Mr. Vijay Kurle, learned Advocate, in accordance with law.”

(Emphasis added)

iv. At this stage, it is required to note the conduct of Mr. Nedumpara as noted in the decision of the Supreme Court in the case of *National Lawyers Campaign for Judicial Transparency & Reforms v. Union of India*¹ and as noted in Paragraph Nos.1 to 3.

“1. In the course of arguments in the present writ petition, Shri Mathews Nedumpara, learned counsel appearing on behalf of the petitioners, alleged that Judges of the Court are wholly unfit to designate persons as Senior Advocates, as they only designate Judges' relatives as Senior Advocates. On being asked whether such a designation should be granted as a matter of bounty, Shri Nedumpara took the name of Shri Fali S. Nariman. When cautioned by the Court, he took Shri Fali S. Nariman's name again. Thereafter, on being questioned by the Court as to what the relevance of taking the name of Shri Fali S. Nariman was, he promptly denied having done so. It was only when others present in Court confirmed having heard him take the learned Senior Advocate's name, that he attempted to justify the same, but failed to offer any adequate explanation.

¹ (2020) 16 SCC 687

2. *We are of the view that the only reason for taking the learned Senior Advocate's name, without there being any relevance to his name in the present case, is to browbeat the Court and embarrass one of us. Shri Nedumpara then proceeded to make various statements unrelated to the matter at hand. He stated that, "Your Lordships have enormous powers of contempt, and Tihar Jail is not so far." He further submitted that lawyers are like Judges and are immune from contempt, as they are protected by law. He also stated that there can be no defamation against a lawyer; as also there can be no contempt proceedings against a lawyer, as the same would impinge on the independence of lawyers, which they ought to enjoy to the fullest. All these statements directly affect the administration of justice, and is contempt in the face of the Court.*

3. *This is not the first time that this particular advocate has attempted to browbeat and insult Judges of this Court. In point of fact, the style of this particular advocate is to go on arguing, quoting Latin maxims, and when he finds that the Court is not with him, starts becoming abusive. We also find that this advocate is briefed to appear in hopeless cases and attempts, by browbeating the Court, to get discretionary orders, which no court is otherwise prepared to give. We have found that the vast majority of appearances by this advocate before us have been in cases in which debtors have persistently defaulted, as a result of which their mortgaged properties have to be handed over to secured creditors to be sold in auction. It is at this stage that Shri Nedumpara is briefed to somehow put off the auction-sale. ..."*

(Emphasis added)

In the said decision of the Supreme Court conduct of Mr. Nedumpara before various benches of the Supreme Court, Bombay High Court is *inter alia* discussed in detail upto Paragraph No.10. At the end of said Paragraph No.10, it is observed as under :-

“... If lawyers can be bold enough to file writ petitions against Judges of a High Court on observations judicially made by a Judge of the High Court, the very independence of the judiciary itself comes under threat. Given the course of behaviour of Shri Nedumpara before the Tribunals, the Bombay High Court, and this Court, it is clear that the said advocate has embarked on a course of conduct which is calculated to defeat the administration of justice in this country.”

By said order the Supreme Court issued notice to Mr. Nedumpara.

Relevant Paragraph No.15 reads as under :-

“15. Conduct of this kind deserves punishment which is severe. Though we could have punished Shri Nedumpara by this order itself, in the interest of justice, we issue notice to Shri Nedumpara as to the punishment to be imposed upon him for committing contempt in the face of the Court. Notice returnable within two weeks from today.”

v. Thus, as notice was issued to Mr. Nedumpara, the *Suo Motu Contempt Petition (Crl.) No.1 of 2019* was registered in the Supreme Court titled as **Mathews Nedumpara, In Re.** Mr. Nedumpara has filed Affidavit dated 27th March 2019 in said *Suo Motu Contempt Petition*. *Inter alia* on the basis of said Affidavit dated 27th March 2019 the Supreme Court in **Mathews Nedumpara, In Re**², passed following directions :-

“... 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

² (2019) 19 SCC 454

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)

vi. Paragraph Nos.6 and 7 of said decision of the Supreme Court in *Mathews Nedumpara, In Re* (supra) are very relevant, concerning conduct of Mr. Vijay Kurle, learned Advocate. The same also shows that Mr. Vijay Kurle and Mr. Mathews Nedumpara are very closely connected.

"6. A letter dated 23-3-2019, received by the office of the Judges of this Bench on 25-3-2019, is a letter that is sent to the President of India, the Chief Justice of India and the Chief Justice of the High Court of Bombay by the President of the Bombay Bar Association and the President of the Bombay Incorporated Law Society. The aforesaid letter states:

"We have come across, in the social media, copies of the following complaints purportedly made against Hon'ble Mr Justice R.F. Nariman and Hon'ble Mr Justice Vineet Saran, Judges, Supreme Court of India.

1. A complaint made with Your Excellency's Secretariat by one 'Indian Bar Association' dated 20-3-2019 bearing Grievance No. PRSEC/E/2019/05351 (the first complaint), through one Advocate Mr Vijay Kurle, against sitting Judges of the Hon'ble Supreme Court of India, the Hon'ble Mr Justice R.F. Nariman and the Hon'ble Mr

Justice Vineet Saran, seeking permission to prosecute the learned Judges and withdrawal of judicial work from them for having passed a judgment dated 12-3-2019 [National Lawyers Campaign for Judicial Transparency and Reforms v. Union of India, (2020) 16 SCC 687] convicting Mr Mathews Nedumpara for having committed contempt of the Hon'ble Supreme Court of India. It has been addressed to your Lordship the Hon'ble Chief Justice of India and a copy thereof has been endorsed to your Lordship the Hon'ble Chief Justice, Bombay High Court.

2. A complaint dated 19-3-2019 made with your Excellency's Secretariat bearing Grievance for Registration No. PRSEC/E/2019/05242 (the second complaint) by one Mr Rashid Khan Pathan said to be the National Secretary, Human Rights Security Council, seeking similar directions/permissions against the Hon'ble Mr Justice R.F. Nariman and the Hon'ble Mr Justice Vineet Saran for having passed another order in another matter. It has been addressed to your Excellency and your Lordship the Hon'ble Chief Justice of India.

Copies of these purported complaints which have been circulated in the social media are annexed as Annexure '1' and Annexure '2'."

7. The prayers made in the complaint filed by the Indian Bar Association are as follows:

"(i) Taking action: Action be taken under Sections 218, 201, 219, 191, 192, 193, 466, 471, 474 read with Sections 120-B and 34 of the Penal Code against Justice Rohinton Fali Nariman and Justice Vineet Saran for passing order by wilful disregard, disobedience and misinterpretation of law laid down by the Constitution Bench [K. Veeraswami v. Union of India, (1991) 3 SCC 655 : 1991 SCC (Cri) 734] of the Hon'ble Supreme Court with intention to terrorise advocates.

(ii) Immediate direction be passed for withdrawal of all works from Justice Rohinton Fali Nariman and Justice

Vineet Saran as per “In-House-Procedure”.

(iii) Directions be given to Justice Rohinton Fali Nariman and Justice Vineet Saran to resign forthwith by following the direction of the Constitution Bench in K. Veeraswami v. Union of India [K. Veeraswami v. Union of India, (1991) 3 SCC 655 : 1991 SCC (Cri) 734] as the incapacity, fraud on power and offences against administration of justice are ex facie proved.

OR

(iv) Applicant be accorded sanction to prosecute Justice Rohinton Fali Nariman under Sections 218, 201, 219, 191, 192, 193, 466, 471, 474 read with Sections 120-B and 34 of the Penal Code.

(v) Direction be given for suo motu action under the Contempt of Courts Act as per law laid down in C.S. Karnan, In re [C.S. Karnan, In re, (2017) 7 SCC 1 : (2017) 3 SCC (Civ) 545 : (2017) 4 SCC (Cri) 46] case ...”

(Emphasis supplied)

Thus, it is clear that Mr. Nedumpara and Mr. Vijay Kurle are very well connected.

vii. The Supreme Court issued following direction in Paragraph No.10 of the said Order :-

“10. Given the two complaints filed, it is clear that scandalous allegations have been made against the members of this Bench. We, therefore, issue notice of contempt to (1) Shri Vijay Kurle; (2) Shri Rashid Khan Pathan; (3) Shri Nilesh Ojha; and (4) Shri Mathews Nedumpara to explain as to why they should not be punished for criminal contempt of the Supreme Court of India, returnable within two weeks from today.”

viii. As notice was issued of criminal contempt the same proceedings are registered by the Supreme Court as Suo Motu Contempt Petition (Crl.) No.2 of 2019 and decided by the decision dated 27th April 2020 in ***Vijay Kurle, In Re***³. It appears that by Order dated 2nd September 2019, Mr. Nedumpara was discharged. However, the observations of the Supreme Court in Paragraph No.104 of the said decision in ***Vijay Kurle, In Re*** (*supra*) in Paragraph No.104 are very relevant which reads as under :-

“104. As far as the complaint of Shri Vijay Kurle is concerned, it is nothing but a proxy battle for Shri Nedumpara. If Shri Nedumpara did not know Shri Vijay Kurle, how could such a detailed complaint running into 183 pages have been filed by Shri Vijay Kurle on 20-3-2019 when the matter of Shri Nedumpara was still pending in this Court. This Court convicted Shri Nedumpara for contempt of court by judgment dated 12-3-2019 [National Lawyers Campaign for Judicial Transparency & Reforms v. Union of India, (2020) 16 SCC 687] and directed Shri Nedumpara to appear so that punishment could be imposed on him for contempt of court. The matter was listed on 27-3-2019. In our opinion, both these complaints were sent to the President of India with a view to browbeat this Court so that this Court is terrorised into not taking action against Shri Nedumpara. In a matter which was still pending insofar as imposition of punishment was concerned, Shri Vijay Kurle and Shri Rashid Khan Pathan had no business sending these communications. These communications were widely circulated on social media ...”

(Emphasis added)

ix. The above Paragraphs from the decision of the Supreme Court in the case of ***National Lawyers*** (*supra*), ***Mathews***

³ (2021) 13 SCC 616

Nedumpara, In Re (supra) and *Vijay Kurle, In Re* (supra) are quoted and reference is given to the said decisions to bring on record that Mr. Nedumpara and Mr. Vijay Kurle are very close to each other. It is also relevant to note that Mr. Nedumpara had given undertaking to the Supreme Court that he would never again attempt to browbeat any Judge either of the Supreme Court or of the Bombay High Court. This is relevant as after this Court passed the order dated 9th April 2025 in Civil Revision Application No.189 of 2025 recording unprofessional conduct of Mr. Vijay Kurle and directing that Bar Council of Maharashtra and Goa should conduct appropriate enquiry in his conduct, when this matter was listed before this Court on 17th April 2025, Mr. Nedumpara made certain 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.

x. The relevant portion of conduct of Mr. Nedumpara as recorded in Paragraph Nos.1 to 7 of Order dated 17th April 2025 read as under :-

“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.”

(Emphasis added)

- xi.** Paragraph No.14 of said Order dated 17th April 2025 is also relevant.

“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.”

xii. Thus, it is clear that Mr. Nedumpara, learned Advocate made the above statements prima facie with an intention to humiliate and browbeat this Court and tarnish image of this Court and the conduct of leaving the Court Room when the matter was being considered with reference to his conduct, particularly in the light of undertaking which he has given to the Supreme Court, amounts to lower or tends to lower the authority of the Court, interfere or tends to interfere with the due course of the judicial proceeding or obstructs or tends to obstruct, the administration of justice.

xiii. On 17th April 2025, Mr. Nedumpara made a statement that Mr. Subhash Jha, learned Counsel would appear for him and sought time. Mr. Subhash Jha, learned Counsel also sought time to take instructions and therefore the matter was kept on 24th April 2025 at 02:30 p.m..

xiv. The incidents which have taken place between 17th April 2025 and 24th April 2025 are very shocking:

(a) My wife and I are the joint owners of Flat No.408, “B” Wing, Sea Flama, Dosti Flamingos, Sewree, Mumbai - 400 015.

- (b) On 22nd April 2025 one person by name Mr. Sarkar called my wife and informed as follows :-
- i. He is interested in purchasing the said flat.
 - ii. He requires to complete the said transaction immediately.
- (c) At this stage, it is required to be noted that the said flat is on the “NoBroker” portal.
- (d) The said phone calls were made on 22nd April 2025 from Mobile No. 9967583405 by Mr. Sarkar and timings are 12:16 p.m., 12:24 p.m. and 12:51 p.m.. Mr. Sarkar, again contacted my wife on 23rd April 2025 at 09:36 a.m. and as the same was a missed call, my wife called him immediately at 09:37 a.m.. Thereafter, he again contacted my wife at 10:14 a.m.. During said period my wife informed me that one person is genuinely interested in purchasing the said flat and it is his request to complete the transaction as early as possible.
- (e) It is required to be noted that few earlier transactions were required to be rejected as the prospective purchasers were offering some consideration in cash while finalizing the transaction and to avoid such a situation, I personally had a talk with said Mr. Sarkar, when he called my wife at 10:14

a.m. and informed him that he may not be knowing that I am a Judge of the Bombay High Court and we would accept entire payment in cheque. At that time, Mr. Sarkar, had laughed about 20-30 seconds and thereafter told me that the entire payment would be made by cheque. During all those conversations, he told my wife that he wanted to complete the transaction as early as possible. After the conversation with him was over, within 2-3 minutes, I realised that the said laughter was not natural and therefore I became suspicious. Therefore I saw his WhatsApp Display Picture on my wife's Cell Phone and it was found that the picture was of Advocate Mr. Sarkar.

- (f) It is required to be noted that when I told Advocate Sarkar that I am a Judge of Bombay High Court he did not disclose to me that he is an Advocate.
- (g) In fact, it is pertinent to note that even on 24th April 2025, a missed call was received by my wife from his Cell Phone at 10.40 a.m. and his number was immediately blocked.

5. Thus, it is clear that an attempt is made to frame this Court, as this Court had passed order against Mr. Vijay Kurle. In fact, the statement made by Mr. Nedumpara that he was insulted by this Court and he is not slave of this Court and further action of Mr. Nedumpara,

learned Counsel to run away from this Court when this Court was considering his conduct, all these things are made with an intention to humiliate and browbeat this Court and tarnish image of this Court. It is also required to be noted that Mr. Partho Sarkar carried on conversation for 2 days i.e. on 22nd April 2025 and 23rd April 2025 in such a manner that the same would appear to be a genuine transaction to be finalized within short time.

6. Today a pursis is given by Mr. Sarkar, stating that he was negotiating a failed transaction with my wife for last 2 years. It is required to be noted that said Mr. Sarkar, had called my wife on 29th October 2023. The intention of Mr. Sarkar at that time was also not clear. However, except said phone call on 29th October 2023 there was no other call and thereafter the phone calls were made between 22nd April 2025 to 24th April 2025.

7. It is required to be noted that even earlier also this Court had passed certain orders against Mr. Nedumpara. It is pertinent to note the Order dated 25th February 2021 passed by the Division Bench [A. A. Sayed & Madhav J. Jamdar, JJ] in Writ Petition No.335 of 2021. Paragraph Nos.8 to 11 of said Order dated 25th February 2021 are very relevant and read as under :-

“8. After hearing Mr.Nedumpara for sometime, when one of us (A.A.Sayed,J.) was dictating the last portion of the order regarding costs, Mr.Nedumpara stated before us -“Lordship is

playing mischief’.

9. *When confronted by one of us (Madhav Jamdar, J.) to the use of such language, Mr.Nedumpara stated that the word “mischief” is a legal expression. It was pointed out to Mr.Nedumpara that “mischief” as legal expression is totally different than the expression “playing mischief” attributed to a judge while passing a judicial order. Mr.Nedumpara then stated that he withdraws his statement and apologized.*

10. *However, in the afternoon session Mr.Nedumpara again appeared before us and tried to justify the use of the word “mischief” by him in the morning session by pointing out the dictionary meaning of the word “mischief”. When we told Mr.Nedumpara that you are now justifying what you said in the morning session, Mr.Nedumpara again stated that he withdraws his statement.*

11. *We sincerely hope that good counsel would prevail and Mr.Nedumpara mends his ways some day in addressing the Court. We leave it at that!”*

(Emphasis added)

It is also required to be noted that even on earlier occasions, when Mr. Nedumpara appeared before this Court, on one or two occasions, this Court was required to remind him about the undertaking which he had given to the Supreme Court.

8. It is not clear whether the said phone call made earlier on 29th October 2023 was also an attempt to frame this Court.

9. However, it is required to be noted that this Court by passing detailed order dated 17th April 2025 by noting the conduct of Mr. Nedumpara kept the matter on 24th April 2025. In the said order also it

is mentioned that Mr. Nedumpara acted in said manner as this Court has passed order against Mr. Vijay Kurle on 9th April 2025 and for the first time Mr. Sarkar called my wife on 22nd April 2025 and 23rd April 2025 and insisted to complete the said transaction immediately.

10. It is further significant to note that when I informed Mr. Sarkar, on phone that I am a Judge of Bombay High Court and entire consideration would be accepted by cheque, he had not disclosed that he is also a practicing Advocate of this Court. Thus, it is very clear that an attempt is made to frame this Court.

11. At this stage, Ms. Maria Nedumpara, learned Counsel makes a request that Mr. Nedumpara be given VC access. However, as noted herein above Mr. Jha, learned Counsel appears for Mr. Nedumpara. Mr. Nedumpara was directed by this Court by order dated 24th April 2025 to personally remain present in this Court. It is required to be noted that when this Court while dictating this order has come to the very crucial stage, Ms. Maria Nedumpara, learned Counsel has made the said request, which was rejected at the inception. She states that she is appearing for Mr. Nedumpara, when Mr. Jha, learned Counsel is already appearing for him.

12. As far as associaton of Mr. Sarkar with Mr. Vijay Kurle and Mr. Nedumpara is concerned, in Writ Petition No.6700 of 2018 along with Contempt Petition No.230 of 2019 and connected matters, Mr. Sarkar,

has appeared and also Mr. Vijay Kurle has appeared. In the said matter also a Division Bench has passed order dated 15th April 2025 *inter alia* directing that Bar Council of Maharashtra and Goa shall initiate proceeding against Mr. Kurle. It is also required to be noted that Mr. Sarkar, also has appeared as Advocate in Chamber Summons No.152 of 2018 in Writ Petition (L) No.1180 of 2018 which Writ Petition was filed by Mr. Nedumpara against a Judge of this High Court. With respect to the said Writ Petitions as noted herein above the Supreme Court in ***National Lawyers*** (supra) has observed that if lawyers can be bold enough to file writ petitions against Judges of a High Court on observations judicially made by a Judge of the High Court, the very independence of the judiciary itself comes under threat. It is further observed that conduct of Shri Nedumpara before the Tribunals, the Bombay High Court, and the Supreme Court, makes it clear that the said advocate has embarked on a course of conduct which is calculated to defeat the administration of justice in this country. Said Mr. Sarkar has also appeared in the contempt proceedings initiated against said Kurle by the Supreme Court.

13. Thus, it is clear that Mr. Sarkar, took actions after I have passed the order with respect to the conduct of Mr. Vijay Kurle and Mr. Nedumpara. Accordingly, Higher Official of the State of Maharashtra / the Senior Police Inspector, Malabar Hill Police Station, Mumbai to

conduct the enquiry with respect to phone calls made by Mr. Sarkar between 22nd April 2025 to 24th April 2025 as also even the phone call made on 29th October 2023 and submit report to the Registrar General of this Court. Mr. Venegavkar, learned Public Prosecutor states that three weeks time will be required for conducting the enquiry and submitting the report.

14. In the said pursis dated 29th April 2025 of Mr. Sarkar, a request is made that this Court should preclude to hear any proceeding concerning his conduct. As far as the said request of Mr. Sarkar, in Paragraph No.11 of the decision of ***National Lawyers*** (supra), it has been held that if a Judge is personally attacked, it would be proper for the Judge to deal with the matter himself, in cases of contempt in the face of the Court. In the said Paragraph No.11 reliance is placed on Paragraph No.27 of ***Sukhdev Singh Sodhi v. S. Teja Singh***⁴. The said Paragraph No.27 reads as under :-

“27. We wish however to add that though we have no power to order a transfer in an original petition of this kind we consider it desirable on general principles of justice that a Judge who has been personally attacked should not as far as possible hear a contempt matter which, to that extent, concerns him personally. It is otherwise when the attack is not directed against him personally. We do not lay down any general rule because there may be cases where that is impossible, as for example in a court where there is only one Judge or two and both are attacked. Other cases may also arise where it is more convenient and proper for the Judge to deal with the matter himself, as for example in a contempt in facie curiae. All we can say is that this must be left to the

4 (1953) 2 SCC 571

good sense of the Judges themselves who, we are confident, will comfort themselves with that dispassionate dignity and decorum which befits their high office and will bear in mind the oft quoted maxim that justice must not only be done but must be seen to be done by all concerned and most particularly by an accused person who should always be given, as far as that is humanly possible, a feeling of confidence that he will receive a fair, just and impartial trial by Judges who have no personal interest or concern in his case.”

15. Thus, in view of the law laid down by the Supreme Court in the case of ***Sukhdev Singh Sodhi*** (supra), the papers of this matter be placed before the Hon’ble the Chief Justice to assign the matter to appropriate Bench.

16. It is noted that this entire proceeding has been recorded.

[MADHAV J. JAMDAR, J.]