

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

**WRIT PETITION NO. 1433 OF 2025
WITH
INTERIM APPLICATION NO. 12275 OF 2025**

Rajkumar Omprakash Sharma ... Petitioner
versus
State of Maharashtra & Ors. ... Respondents

...
Mr.Apurva Gupte with Mr.Tarun Sharma and Mr.Mahesh Patil i/b. Fox
Legal Advocate for the Petitioner.

Mrs.Nisha Mehra, AGP for the Respondent -State.

Mr.Mayuresh Lagu with Mr.Sagar Patil and Mr.Shashank Dubey for
Respondent No.2- Corporation.

Mr.Prashant Chawan, Senior Advocate with Ms.Kinjal Jain, Ms.Bhakti
Gandhi and Ms.Poonam Sheth i/b. Ms.Kinjal Jain for Respondent Nos. 4
and 5.

Mr.Rajesh Khobragade, earlier Advocate for the Petitioner.

Petitioner is present through video conferencing.

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**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : DECEMBER 15, 2025

P.C:

1. This matter was heard for some time, when it was called out in
the first session.

2. The learned Senior Advocate representing Respondent Nos. 4 and 5, as well as the learned Advocate for the Corporation, pointed out that the Petitioner had preferred a Writ Petition bearing No. 12915 of 2024, through the learned Advocate Mr. Ramawadh Pandey. The Petitioner who filed the said Petition and affirmed the verification, is Mr. Rajkumar Omprakash Sharma, who is participating in this hearing through the video conferencing mode. The said Writ Petition was heard by this Court [Coram: A. S. Gadkari and Kamal Khata, JJ.], and an order was passed on 9th December, 2024, which reads as under:

“1) After hearing learned Advocate appearing for Petitioner, when this Court was not inclined to grant any relief as prayed for, learned Advocate on instructions seeks leave to withdraw Petition unconditionally.

2) Leave granted.

3) Disposed off as withdrawn.”

3. The learned Advocates who appeared for the Petitioner in the said Petition were Advocate Mr. Rajesh P. Khobragade, Advocate Mr. Ravin Pandey, and Advocate Mr. Vinit V. Dhotre.

4. The learned Advocate for the Corporation and the learned Senior Advocate for Respondent Nos. 4 and 5, drew our attention to the

prayers put forth by the Petitioner in the earlier Petition and compared the same with the prayers set out in the present Petition.

5. We notice an apparent mischief. The serial order of the prayers has been interchanged in this Petition, to make us believe that this Petition was based on different facts with different prayers. When confronted, the learned Advocates submitted, on instructions, that the Petitioner, who is watching the proceedings via the video conferencing mode and is audible and visible on the screen, has instructed the Constituted Attorney, Mr.Madhukar Dattaram Haryan, to withdraw this Petition.

6. What is shocking to us is that Advocate Rajesh Khobragade, who had canvassed the earlier Petition on 9th December, 2024 on behalf of Advocate Ramawadh Pandey, has filed the present Petition under his own signature. Moreover, Advocate Rajesh Khobragade has mentioned in paragraph 5 of the Petition before us, as under:

“The petitioner states that as mentioned above, he has not filed any other similar petition, application before this Hon’ble High Court or before the Apex Court of India”.

7. With great difficulty, and after flashing the name of Advocate Rajesh Khobragade on the display board and conveying messages to him,

Advocate Khobragade appeared before us at 5:15 p.m. We apprised him of the seriousness of the matter, since he had argued the earlier petition, was aware of the prayers, and had himself drafted the present petition, which is clearly an abuse of the process of law. He has also made a statement in paragraph 5, which is reproduced herein above, that ‘No petition in the same cause has been filed before any Bench of this Court or before the Hon’ble Supreme Court’.

8. We thought that Advocate Khobragade should be given an opportunity to tender an unconditional apology so that we could close this matter. We made it convenient for him by permitting him to write an apology on a plain sheet of paper in his own handwriting. At 5:45 p.m., he tendered a written unconditional apology. We find that his conduct is not overboard. Considering the last paragraph of his apology, we are reproducing the entire apology, verbatim, hereunder:

“UNCONDITIONAL APOLOGY

“I, Rajesh P. Khobragade, Advocate having Enrolled No. MAH/879/2007, I have filed Petition No.1433 of 2025. In the above writ petition, I have given No objection somewhere in month of June, 2025.

I say that the earlier petition No.1291 of 2024, which was filed by Adv. Ram Pandey & subsequently withdrawn on 09/12/2025.

I say that “I unconditionally tender appology, for not disclosing the petition No.1291 of 2024 is been withdrawn unconditionally”. However, the subsequently petition was filed.

I say that, the mistake was bonafied, & under wrong impression.

I say that presently I am nowhere concerned with petition as I have given No objection & another advocate has filed Vakalatnama on behalf of Petitioner.

I tender unconditionally appology.

Place : Mumbai

Date : 15/12/2025

*Sd/-
Rajesh P. Khobragade
Advocate High Court
MAH/879/2007”*

9. We are taking the original apology on record, marked as ‘X’ for identification. What we find objectionable is that, instead of admitting what he has done which is unconscionable and an abuse of the process of law, he has inappropriately written the last paragraph.

10. In view of the above, Advocate Khobragade submits that he will write a fresh conditional apology and come back tomorrow, keeping in view that he has himself drafted the present petition.

11. We are giving him one more opportunity.

12. List this Petition on **16th December 2025**, on the urgent supplementary board, for permitting him to file a fresh unconditional apology.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)