

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1338 OF 2024

Rajesh Nareshchandra Narula, Age 65 years,
Occ.Advocate, R/o.Sagar Sangeet Hsg.Society,
Flat No.21 -A, 21st floor, 58, Shahid Bhagat Singh Road,
Colaba, Mumbai-400 005.

Petitioner

Versus

1. Bar Council of Maharashtra and Goa
2. Khimji Devji Parmar
3. Sheetal D.Mishra

Respondents

Ms.Sheetal Shah, Advocate for Petitioner.

Mr.Yogendra A.Rajgor with Mr.Sharad Bagul, Secretary of Bar Council for
Maharashtra & Goa

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 9th October 2025

P.C.

1. This petition under Article 226 of the Constitution of India is filed
praying for the following reliefs :

“(a) That this Hon’ble Court be pleased to issue a Writ of Certiorari or any other appropriate Writ or Order in the nature of Certiorari calling for the records and proceedings of the Respondent No.1 in Disciplinary Case No.27 of 2003 and after examining the legality, validity and propriety of the Order dated 6th July 2023 passed by the Respondent no.1 in D.C.No.27 of 2023, quash and set aside the same along with the Complaint of the Respondent No.2 registered on 20th November 2022;

(b) Pending the hearing and final disposal of this Writ Petition, further proceedings in the Disciplinary Case No.27 of 2003 be stayed;

- (c) For ad-interim and interim reliefs in terms of prayer clause (b) above;
- (d) For costs of and incidental to the Petition;
- (e) For such other and further reliefs as the nature and circumstances of the case may require.”

2. A co-ordinate Bench of this Court passed an order dated 4th November 2023 on this petition which is required to be noted, which read thus :

“1. The above writ petition is filed seeking to set aside the order passed by Respondent No. 1 dated 06/07/2023 in DC No. 27 of 2023. The impugned order is at page 37 of the petition (Exhibit-A). For the sake of convenience, the impugned order reads as under:

“ Exhibit -“A”

After hearing the Complainant and Respondent and after going through the document available on record, according to me, Complainant has made out a case by invoking Jurisdiction under Section 35 of Advocates Act; There is a prima facie case made out by the Complainant against the Respondent. Hence, I pass the following Order.

||ORDER ||

Complaint is referred to D.C. for further detailed inquiry and disposal in accordance with law.

Ashish P. Deshmukh
Judge
6.7.2023”

2. We have heard Mr. Bookwala, the learned senior counsel appearing on behalf of the Petitioner, as well as the learned Counsel for Respondent No. 1 Bar Council of Maharashtra and Goa. We have also heard the Advocate for the Complainant.

3. The crux of the argument of the complainant is that a fraud has been played upon the Complainant by virtue of Consent Terms entered into between the Plaintiff and the Defendant in Suit No. 2541 of 1985. To put in a nutshell, it is the case of the Complainant that by entering into these Consent Terms, namely, Consent Terms dated 01/07/2005, and supplementary Consent Terms dated 24/08/2005, the Complainant has been defrauded, as his property has been fraudulently included in the Consent Terms. In fact, from

the record, it is clear that the Complainant has also filed an application for setting aside those Consent Terms on the alleged ground of fraud.

4. After going through the papers and proceedings, the learned Counsel for Respondent No. 1 has failed to satisfy us even prima facie, as to what is the fraud attributable to the Petitioner and who was the Advocate on record of the Plaintiff and who has signed the Consent Terms in that capacity. We fail to understand how, an alleged fraud played by a party can be attributed to the lawyer. In fact in a similar situation, arising in the case **Geeta Ramanugrah Shashtri Vs. Bar Council of Maharashtra and Goa and Ors.** [Writ Petition (L) No. 7383 of 2023] decided on 09/08/2023, this Court, in fact, took judicial note about the practice of litigants constantly browbeating the advocates of opposite party by filing frivolous complaints. In fact, the Court deprecated the said practice and opined that Advocates for the opposite side have a duty to their own clients and have a duty to the Court. They have no duty to propound the case of opposing party. This constant threat of the disciplinary complaints against the opposing counsel is actually being used in several matters that have come before the Court to intimidate and browbeat opposing counsel and to ensure that the opponent does not get an adequate or proper legal representation, was the finding of the Court.

5. As mentioned earlier, prima facie we find that no fraud is even remotely attributable to the Petitioner / Advocate for the Plaintiff in Suit No. 2541 of 1985. In fact, neither the Complainant nor his father or his father's alleged firm (M/s. Volga Enterprises) was even a party to the aforesaid suit. Prima facie we find that the Bar Council of Maharashtra and Goa could not have had any reason to believe that the Petitioner was guilty of professional or other misconduct so as to refer the matter to the disciplinary committee.

6. In view of these prima facie findings, we have no hesitation in staying the disciplinary proceedings before the Bar Council of Maharashtra and Goa. Accordingly, all the further proceedings in Disciplinary Case No. 27 of 2023 are stayed until further orders. Despite this, the Bar Council of Maharashtra and Goa can file an affidavit-in-reply justifying the passing of the impugned order dated 06/07/2023. This affidavit, if any, shall be filed on or before 04/12/2023 and a copy of the same shall be served on the Advocates for the Petitioner.

7. Place the above writ petition on board for admission on 11/12/2023. We put the parties to notice that the above writ petition may be disposed of at the admission stage itself.

8. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.”

3. The aforesaid order was assailed by the Respondent Bar Council for Maharashtra & Goa in the proceedings in Civil Appeal arising from Special Leave Petition (Civil) no.(s)27606 of 2023, which came to be decided by the Supreme Court vide judgment and order dated 24th September 2025 whereby the Court while dismissing the proceedings filed by the Respondent Bar Council for Maharashtra & Goa held that the Bar Council has caused harassment to the Petitioner/Advocate and accordingly the Special Leave Petitions were dismissed with costs of Rs.50,000/- each being imposed on the complainant Bansidhar Annaji Bhakad and Bar Council for Maharashtra and Goa. The amount of costs was directed to be deposited with this Court within four weeks from the date of said order and the same was to be paid to the Petitioner/Advocate and to Ms.Geeta Shastri. The proceedings are moved before us by the Petitioner in view of the judgment and order dated 24th September 2025 rendered by the Supreme Court that it needs to be disposed of considering the orders passed by the Supreme Court.

4. The Supreme Court has clearly held that there was no professional relationship between the complainant and the Petitioner and there was no misconduct whatsoever, which was being made out by the complainant and accordingly the Special Leave Petitions were disposed of.

5. Having perused the judgment and order passed by the Supreme Court, in our opinion, this petition would not require further adjudication and more

particularly having due regard to the categorical observations which are made by the Supreme Court The petition accordingly stands disposed of. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)