



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (W) NO.3651 OF 2023

IN

WRIT PETITION NO.625 OF 2023 (D)

(Tarabai Natthusa Fulsunge (Jain) Vs. Tilokchand Natthusa Fulsunge (Jain) and
others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. S. A. Mohta, Advocate for Petitioner.
Mr. A. J. Thakkar, Advocate for Respondent.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATE: 1st AUGUST, 2025.

1. Heard Advocate Mr. A. J. Thakkar. Advocate
Mr. S. A. Mohta is present.

2. While passing order dated 17.07.2025 on Civil
Application (W) No.3651/2023 this Court had although
disposed of the civil application, but directed to issue show
cause notice to the counsel appearing for the respondents
(Advocate A. J. Thakkar) as to why the conduct should not
be referred to the Bar Council of Maharashtra and Goa for
appropriate action. This order is passed by observing that an
incorrect statement was made by the counsel about presence
of the respondent No.5 in the Court on the previous date
and about the authority of the respondent No.5 to sign on

behalf of other respondents by way of a power of attorney. It was also observed that an incorrect statement was made as regards the filing of the document of power of attorney before the learned trial Court. Taking note of these statements, this Court came under an impression that these were incorrect statements made by the counsel irresponsibly and for seeking certain orders in favour of his client. According to order dated 17.07.2025, a show cause notice dated 24.07.2025 came to be issued by the Registrar (Judicial) which was served upon the counsel. In response to the show cause notice the counsel submitted his reply dated 24.07.2025 stating his explanation about the alleged incorrect statements.

3. In his reply submitted by the counsel it is pointed out that the respondent No.5 in the matter, who was a resident of Malkapur, District Buldhana had in fact attended the Court on the said date when the matter was listed. Hence the counsel remained under impression that the respondent No.5 was present inside the Court room when the matter was called out in the first half. It is pointed out that the counsel was under impression that the respondent

No.5 was inside the Court and therefore, statement was made which was not with any *mala fide* intention or any attempt to mislead the Court by obtaining any favourable orders. As regards the authority of the respondent No.5 to sign on behalf of other respondents it is pointed out that the respondent No.5 had in fact got the power of attorney on behalf of other respondents, by virtue of a registered document of power attorney and accordingly the statement was made. Further as regards the filing of the document of power of attorney, it is stated that the statement was made as per the instructions given by the respondent No.5.

4. I have considered the reply – submissions to the show cause notice which are filed by the counsel on 24.07.2025. On perusal of the reply – submissions it becomes clear that it was stated to the Court that the respondent No.5 was present before the Court on 16th July, 2025 and the respondent No.5 had in fact attended the Court on that day as can be seen from the affidavit dated 16th July, 2025. Further, in view of the registered document of power of attorney it becomes clear that the respondent No.5 was authorized to sign on behalf of the other

respondents and the statement in this regard cannot be considered to be a false statement much less any kind of misleading statement to obtain any favourable orders further. The statement about filing of the document before the learned trial Court, since made on the instructions of the respondent No.5 cannot be considered to be a misleading statement much less of such a nature to enable the counsel to obtain any favourable orders. Having considered the explanation dated 24.07.2025 submitted by the counsel, I am satisfied that the explanation is acceptable and the same is accepted and therefore, no further action is warranted against the counsel.

5. Since the Civil Application (W) No.3651/2023 is already disposed of by order dated 17.07.2025, the other proceedings initiated are also closed.

(PRAFULLA S. KHUBALKAR, J.)