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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 16.07.2025
Judgment delivered on: 21.08.2025

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LPA 431/2025 & CM APPL. 41457/2025

CHAND MEHRA

.....Appellant

Through: Appellant in person.

Versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Bhagvan Swarup Shukla, CGSC
with Mr.Vinay Kumar, Adv for UoI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G M E N T

DEVENDRA KUMAR UPADHYAYA, C.J.

1. The instant Letters Patent Appeal instituted under Clause X of Letters Patent seeks to take exception to the judgment and order dated 15.04.2025 passed by the learned Single Judge in W.P.(C.) No. 4425/2025 whereby the writ petition challenging the orders dated 06.10.2023 and 11.11.2024 passed by the Bar Council of Delhi (hereinafter referred to as the “BCD”) and Bar Council of India (hereinafter referred to as the “BCI”) respectively has been dismissed.

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1.1. At this juncture itself, we may note that the order dated 06.10.2023 passed by the BCD dismissed the complaint filed by the appellant against respondent Nos. 3, 4, and 5, who are practicing lawyers, on the ground that the appellant in the complaint had failed to establish any professional relationship between himself and the respondents. The BCD, while passing the order dated 06.10.2023, further rejected the allegation that the respondents ought to have ascertained the facts with due diligence and only after verification could have contested the matter on behalf of their respective clients. The BCD further opined that the allegations in the complaint in the matter filed against the appellant under Section 138 of the Negotiable Instruments Act, 1881, are false or correct, is to be decided by the Court, and, accordingly, no misconduct was made out against respondent Nos. 3 to 5.

1.2. We may also note that the Revision Petition preferred by the appellant against the order dated 06.10.2023 passed by the BCD before the BCI under Section 48A of the Advocates Act, 1961, was also dismissed, holding that no case of any 'professional misconduct' is made out against respondent Nos. 3 to 5. It has further been held by the BCI in its order dated 11.11.2024 that under the Bar Council of India Rules, it is the duty of the Advocate to act on the instructions of their clients and that an Advocate cannot sit and make an investigation of their client's case before representing such client in the Court of law. The other finding returned by the BCI in its order dated 11.11.2024 is that an Advocate cannot be prosecuted for the reason that his client's case was false, and further that the appellant and the respondent Nos. 3 to 5 did not have any fiduciary relationship of lawyer and client. The



BCI then relied upon a judgment of the Madras High Court in ***R.Swaminathan v. Bar Council of Tamil Nadu***, (2014) SCC Online Mad 12777.

1.3. The contention of the appellant in respect of violation of Rule 4 of Section I, Chapter 1, Part VI of the Bar Council of India Rules was also rejected stating the reason that the Rule 4 restricts an Advocate not to be a mere mouthpiece of his client, however, the same does not mean that an Advocate has to first ascertain the genuinity of his client's case before representing them.

2. These are the two orders, namely the order dated 06.10.2023 and 11.11.2024, passed by BCD and BCI, respectively, which became the subject matter of challenge before the learned Single Judge in the writ petition filed by the appellant, namely W.P.(C.) No. 4425/2025, which has been dismissed by means of judgment and order dated 15.04.2025, which is under challenge herein.

3. We have heard the appellant in person and the learned counsel for the respondents, and have also perused the record available before us on this Letters Patent Appeal.

4. The learned Single Judge, while repelling the submissions made by the appellant, has expressed his view that the Court is in agreement with the reasoning contained in the order passed by the BCI. It has further been observed by the learned Single Judge that Advocates of the adversary of the appellant do not owe any fiduciary duty to the appellant, nor is there any



professional relationship between them. In this view, the learned Single Judge has further opined, after noticing the provisions of Section 35 of the Advocates Act, 1961, that the allegations/ complaint made by the appellant against respondent Nos. 3 to 5 do not fall within the purview of 'professional misconduct', as contemplated under Section 35 of the Advocates Act, 1961.

5. The learned Single Judge has also recorded in his judgment that in respect of the concern of the appellant regarding some alleged perjury/ fabrication of the documents during the course of the legal proceedings under Section 340 Cr.P.C. have already been initiated by the appellant and are pending and, therefore, in the said proceedings the Court concerned will not take a view as to whether any perjury/ fabrication is committed or not.

6. Having gone through the judgment dated 15.04.2025, passed by the learned Single Judge, which is in appeal before us, we find that the reasoning given by the learned Single Judge to arrive at his conclusions cannot be faulted with. It is needless to observe that on the basis of the contents of the complaint lodged by the appellant against the respondent Nos. 3 to 5, no case of professional misconduct is made out. Further, if the complaint made by the appellant is to be acted upon and proceeded with for taking action against respondent Nos. 3 to 5, the same will result in undermining the duties which an Advocate owes to his client.

7. We may also record that an Advocate is bound by the instructions given to him by his client and it does not form part of his duty to verify the truthfulness or veracity of such instructions especially for the reason that the



assertions made by the parties before the Court in the form of pleadings or setting up a case are to be decided by the learned Court concerned in the proceedings and not by the lawyers representing the respective parties.

8. For the reasons aforesaid, we do not find any irregularity or illegality in the judgment and order passed by the learned Single Judge dated 15.04.2025 so as to call for any interference in this intra-Court appeal.

9. The Letters Patent Appeal is, therefore, dismissed. The parties to bear their respective costs.

(DEVENDRA KUMAR UPADHYAYA)
CHIEF JUSTICE

(TUSHAR RAO GEDELA)
JUDGE

AUGUST 21, 2025

N.Khanna