



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

WRIT PETITION NO. 7236 OF 2024

[Pushpa W/o Sanjay Gupta **vs.** State of Maharashtra, Urban Development Department,
through its Secretary and ors.]

Office Notes, Office Memoranda
of Coram, Appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. Anil Mardikar, Senior Advocate assisted by Mr. P. A. Gupta,
Advocate for the petitioner
Mr. A. B. Badar, AGP for the State/respondent nos. 1 and 4
Mr. S. M. Puranik, Advocate for respondent no. 2
Mr. Kiran Israni, Advocate h/f Mr. R. R. Chhabra, Advocate for
respondent no. 3
Mr. S. D. Chande, Advocate for respondent no. 7

CORAM : **ANIL L. PANSARE AND**
NIVEDITA P. MEHTA, JJ.

DATE : **09-04-2026.**

In response to order dated 2-4-2026,
respondent nos. 5 and 7 to 11 are present. Respondent
no. 7 has deposited the amount in terms of the said
order. Other respondents, who are present in Court,
state that they will deposit the amount today or by
tomorrow. The statement is accepted.

2. Mr. S. D. Chande, learned counsel for
respondent no. 7 has tendered across bar application
seeking time to file reply to the contempt notice. We
grant him time, however, what is shocking is the
revelation now made by Mr. Chande. He submits that
he filed Vakalatnama only on behalf of respondent no. 7
and not for other respondents. Despite such status and

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for all these days, he appeared for respondent nos. 5 to 11. Based on his submissions, we have passed two orders dated 30-3-2026 and 2-4-2026. We held that these respondents have played fraud upon the Court by relying upon a forged document. Accordingly, we have issued contempt notice against these respondents. Thus, it appears that Mr. Chande has mislead the Court and the parties. The mischief played by Mr. Chande amounts to misconduct. We accordingly refer the matter to the Bar Council of Maharashtra and Goa for taking suitable action against Mr. S. D. Chande, Advocate.

3. The Supreme Court in the case of ***Bhagwan Singh Vs. State of U.P and ors. [2025 (6) SCC 416]***, while highlighting importance of the role of Advocate in justice delivery system, deprecated the trend of professional misconduct in following terms.

“30. The matter assumes serious concern when the Advocates who are the officers of the Court are involved and when they actively participate in the ill-motivated litigations of the unscrupulous litigants, and assist them in misusing and abusing the process of law to achieve their ulterior purposes.

31. People repose immense faith in Judiciary, and the Bar being an integral part of the Justice delivery system, has been assigned a very crucial role for preserving the independence of justice and the very democratic set up of the country. The legal profession is perceived to be essentially a service oriented, noble profession and the lawyers are perceived to be very responsible officers of the court and an important adjunct of the administration of justice. In the process of overall

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depletion and erosion of ethical values and degradation of the professional ethics, the instances of professional misconduct are also on rise. There is a great sanctity attached to the proceedings conducted in the court. Every Advocate putting his signatures on the Vakalatnamas and on the documents to be filed in the Courts, and every Advocate appearing for a party in the courts, particularly in the Supreme Court, the highest court of the country is presumed to have filed the proceedings and put his/her appearance with all sense of responsibility and seriousness. No professional much less legal professional, is immuned from being prosecuted for his/her criminal misdeeds.

The Bar Council of Maharashtra and Goa shall take note of above while taking decision in the matter. The copy of the petition and the orders passed on 30-3-2026 and 2-4-2026 shall be forwarded to the Bar Council so as to frame appropriate charge and to take decision in accordance with the applicable provisions.

4. We may note here that the misconduct at the hands of counsel did not stop here. Even today, he made an attempt to argue that the decree placed on record (Annexure 2 along with Civil Application No. 822/2026) is in fact a common judgment rendered by the learned trial Court in Regular Civil Suit No. 177/1975 and Special Civil Suit No. 285/1975. The reason, why the counsel submits that both the suits were decided by common judgment is what has been noted in paragraph no. 14 of the judgment, which reads thus :-

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“14. This judgment in Special Civil Suit No. 285/75 also forms the judgment in Regular Civil Suit No. 177/7, and the copy of this judgment be also kept in the said suit. Hence the order.”

5. According to Mr. Chande, since the judgment in Special Civil Suit No. 285/1975 is said to be part of judgment in Regular Civil Suit No. 177/1975 and since the copy of the judgment is directed to be kept in the said suit, the judgment is common judgment.

6. We find this argument to be misleading. Firstly, it was pointed out to Mr. Chande on previous date that the suit bearing Regular Civil Suit No. 177/1975 has been dismissed. Separate decree is passed and placed on record on previous date. Despite such fact, Mr. Chande submits that both the suits were decided by common judgment.

7. So far as contents of paragraph no. 14 are concerned, learned Judge of trial Court has made a note, in order to avoid confusion as regards status of both the suits and accordingly noted that judgment in Special Civil Suit No. 285/1975 shall form part of judgment in Regular Civil Suit No. 177/1975 with further direction to keep the judgment of Special Civil Suit No. 285/1975 with the other suit being Regular Civil Suit No. 177/1975. This direction will make it clear that two separate judgments were passed. However, Mr. Chande, for no valid reason, has pursued to convince us that it is a common judgment. The misconduct is, therefore, writ large. This is not the first

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instance in which the conduct of Mr. Chande has been found objectionable. On multiple prior occasions, similar incidents have been overlooked by the Court. The Bar Council of Maharashtra and Goa shall take note of this development as well and take appropriate decision. The decision shall be taken as expeditiously as possible and preferably within four months from the date of receipt of copy of order with relevant documents.

8. So far as respondent nos. 5, 6 and 8 to 11 are concerned, they are at liberty to take appropriate and suitable action against Advocate Mr. S. D. Chande for representing them without any authority. As regards strictures passed against these respondents, we grant them liberty to file appropriate application before us justifying modification in the order.

9. As regards merits of the matter, prayer is to remove unauthorized structure standing on the plot, which is leased in favour of the petitioner. The possession, however, has been not given till today.

10. Mr. S. M. Purohit, learned counsel for Nagpur Improvement Trust submits that unauthorized structure standing on the plot shall be removed within a period of six weeks from today. The statement is accepted. In that view of the matter, the grievance of the petitioner is redressed. The petition is accordingly disposed of.

11. On the point of contempt against respondent nos. 5 to 11, particularly against respondent no. 7, the

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proceedings shall be listed before us on 5-5-2026 as suo motu contempt petition.

12. The copy of the order shall be forwarded to the Bar Council of Maharashtra and Goa.

(JUDGE)

(JUDGE.)

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