



a Vartak

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

**WRIT PETITION NO. 6700 OF 2018
WITH
CIVIL APPLICATION NO. 1857 OF 2018**

Brijesh Barot & Anr.	...Petitioners
Versus	
Registrar General Bombay High Court & Ors.	...Respondents

**AND
CONTEMPT PETITION NO. 230 OF 2019**

Mrs. Eureka Joy D/o. Alfred Baptista	...Petitioner
Versus	
Mr. Joy Anthony Payyapply	...Respondent

**AND
FAMILY COURT APPEAL NO. 197 OF 2015**

Mrs. Eureka Joy D/o. Alfred Baptista	...Appellant
Versus	
Mr. Joy Anthony Payyapply	...Respondent

**WITH
INTERIM APPLICATION NO.6953 OF 2025
IN
FAMILY COURT APPEAL NO. 197 OF 2015**

Mr. Joy Anthony Payyapply	...Petitioner
Versus	
Mrs. Eureka Joy D/o. Alfred Baptista	...Respondent

**AND
CONTEMPT PETITION NO. 4 OF 2019**

Mr. Joy Anthony Payyapply	...Petitioner
Versus	
Pinky M. Bhansali	...Respondent

Mr. G. S. Hegde, Senior Advocate with Ms. Pinky Bhansali for Appellant/ Petitioner in FCA No. 197/15, CP No. 230/19, and for Respondent in CONP No.4 of 2019.
Mr. Vijay Kurlle for the Petitioners in WP No. 6700/18.
Mr. Partha Sarkar for the Petitioner in CONP 4/2019 and for Respondent No.3 in WP

No. 6700/18.

Ms. Rebecca Gonsalves with Mr. Chetan Alai for Respondent No.1 in WP No. 6700/18.

Dr. Uday Warunjikar with Mr. Yogendra Rajgor for Bar Council of Maharashtra and Goa.

Mr. Anil Anturkar, Senior Advocate, Amicus Curiae with Ms. Kashish Chelani and Mr. Harshvardhan Suryavanshi.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 15 APRIL 2025.

P.C.:

1. The proceedings are called out as part-heard proceedings on the backdrop of what has transpired before the Court on the last date of hearing (9 April 2025), when Mr. Kurle, learned advocate for the petitioners was to make his submissions, on the legal issues of significance which we had flagged on a *prima facie* consideration of the matter, as observed in the previous orders. We had categorically observed that such issues not only touch the administration of justice but also on the solemnity of the role of the advocates as officers of the Court, when they represent their clients in the proceedings before the Court, are dragged in legal proceedings by impleading them as parties to such proceedings and made to defend prayers as in the present proceeding on the invocation of Section 195 read with Section 340 of the Code of Criminal Procedure, merely for the reason that the Advocate has appeared for one of the

parties, as in the present Family Court Appeal. We note the prayers as made in this Writ Petition:

“A. Respondent-1 &/or 2 to draw and make appropriate complaint before the competent court having jurisdiction for the offence mentioned U/s – 195(1)(b) Cr.PC and submit it before the court of concerned Magistrate having jurisdiction.

B. The instant application be disposed prior to taking up the petitions stated in para – 3.1 of the instant petition.

C. Maintenance to be discontinued to respondent – 4, since is based on falsehood until disposal of the perjury proceedings before the court of the Magistrate, vide ratio of judgment as laid down by Apex Court in Dalip Singh v. State of UP., (2010) 2 SCC 114: (2010) 1 SCC (Vic) 324.

D. Take cognizance against respondent 4 & 5 under appropriate sub-section of Sec - 15 of the Contempt of Courts Act &/or any other appropriate sections of the Contempt of Court's Act.

E. Hold alleged perjurers i.e. respondent -4 & /or 5 as abusers to the process of court/law and thus are liable to be prosecuted and pay the petitioner(s) cost/compensation, reference to ratio laid down by Hon'ble Apex Court in Dnyandeo Sabaji Naik V/s. Pradnya Prakash Khadekar (2017) 5 SCC 496: 2017.”

2. Accordingly we were to hear Mr Kurle learned Advocate for the Petitioners. Mr. Kurle, however, would not intend to proceed with his submissions stating that he has addressed a letter to his client intending to take a discharge. He has tendered a copy of such letter dated 14 April 2025. As seen from the last page of the said letter, copies of the same are also forwarded to the Registrar General, Bombay High Court; Secretary, Bar Council of Maharashtra & Goa; Senior Advocate Mr. A. V. Anturkar; and Senior Advocate Mr. Ashok Mundargi.

3. We may observe that such letter is a communication between Mr. Kurle and his clients (petitioners). It thus cannot form part of the record. On a cursory perusal of this letter, in our opinion, the contents therein are shocking to say the least, and that too, when such letter is addressed to his clients. It appears to be addressed clearly to create a false record. The contents of the letter appear to be wholly intended with the sole motive, that this Division Bench should not proceed to hear the case any further. Even on the earlier occasion Mr. Kurle had submitted before us that we need to recuse from hearing the present proceedings. A reference to this effect has been made by us in our previous order.

4. We believe that Mr. Kurle is pursuing the interest of the petitioners who are the brother-in-law and mother of the husband (respondent No.3). The husband is the principal party to the Family Court Appeal. As observed by us in the earlier order these petitioners have in fact nothing to do with the Family Court Appeal. Moreover, the cause of action being pursued in the present petition and seeking reliefs similar to the one's as made in the present petition, a Civil Application No. 53 of 2017 in Contempt Petition No. 270 of 2016 was filed by Smt. Jessy Brijesh Barot, wife of petitioner no.1 and sister of respondent no.3/husband which was withdrawn, as seen from the orders of the Division Bench dated 05 April,

2018. Thereafter this petition was filed on 4 June, 2018 with identical prayers but now by petitioner no. 1(brother-in-law) and petitioner no. 2 (mother of the husband/respondent no. 3).

5. Thus, there cannot be two opinions that the present petition is pursued by the petitioners in the interest of the husband who is the principal party to the Family Court Appeal. What is interesting to note is that even the husband (respondent no.3) made a similar attempt praying for recusal of a Division bench of this Court. In such proceedings, the Division Bench of this Court [Coram: K. K. Tated (as His Lordship then was) and N. J. Jamadar, J.] passed the following order on 09 August 2019 rejecting the recusal application:-

“1. Heard Shri Partha Sarkar, the learned counsel for the review applicants.

2. This application-cum-praecipe dated 25th June 2019 is preferred by the learned counsel for the review applicants requesting the Members of this Bench to recuse themselves from deciding the review applications on the ground that a complaint is made, inter-alia, against the Members of this Bench in respect of passing of the orders sought to be reviewed.

3. The orders, review of which is sought, have been passed by this Bench. Since the Judges who constitute the Bench which passed the orders, review of which is sought, are presiding over the Courts at principal seat at Bombay, by law, the review applications are required to be heard and decided by the same Judges.

4. The instant application is made by Advocate Shri.Partha Sarkar. The application is not by the review applicants. Nor the review applicants have sworn an affidavit in support of the application.

5. **The device of seeking recusal by the Judges on the count that a complaint is made against the Judges, post passing of the order, sought to be**

reviewed, and thereby seeking rehearing before a different Bench has the potential to severely impair the administration of justice.

6. In view of the above, we do not find any justifiable ground to recuse ourselves from hearing and deciding the review applications.

7. The application made by Advocate Shri Partha Sarkar, thus, stands rejected.”

(emphasis supplied)

6. However, things do not stop at this, as after the letter seeking discharge as addressed by Mr. Kurle to his clients (the petitioners) was tendered by Mr. Kurle, he has crossed all limits of legitimacy as expected from an officer of the Court, when in the open Court he states that “the Court is hand in glove with the respondents”, without any material whatsoever. The whole attempt is to intimidate and brow beat the Court and most significantly to lower the dignity and majesty of the Court amounting to gross interference in the administration of justice.

7. We cannot shut our eyes to what is happening. We clearly see that a concerted attempt is made to systematically interfere and disturb the solemnity and purity in the process of law and administration of justice, which is writ large from the several actions of Mr. Kurle and the documents as drafted by him of which an explicit admission of Mr. Kurle has been recorded by us in the previous order. We also note that it appears to be quite routine for Mr. Kurle to indulge in such sharp practices rather

than conducting the matter on merits as also make allegations against the Court and Judges. Mr. Kurle's letter addressed to the petitioners to seek a discharge, in paragraphs 3 and 8.6, has similar allegations apart from several other similar contents. In our opinion, considering the nature of the allegations on the Court as made by Mr. Kurle before us today causing to bring the Court to disrepute as noted hereinabove, as also considering the contents of Mr. Kurle's letter addressed to his clients (the petitioners) amounts to criminal contempt of Court within the meaning of Section 2(c) of the Contempt of Courts Act, 1971.

8. We may, at the outset, observe that the persistent conduct of Mr. Kurle in representing the petitioners, lacked all propriety, least expected from an officer of the Court, such conduct was not only disturbing but also quite shocking. This is clear from several instances, which we had avoided to record on the previous occasion, however in the present circumstances it is imperative that we now record these instances. During the hearing of the present proceedings, Mr. Kurle has maintained an approach of absolute hostility not only to the Court and the proceedings before it, but also to his learned colleagues at the Bar. On many occasions, heatedly he would not let the Court speak or establish a meaningful dialogue. This is far from the normal conduct of any advocate appearing in

the proceedings before the High Court. Mr. Kurle appears to be of the opinion that once he is in robes, he can dictate even to the Court, is his approach. It is most unfortunate. No advocate can assume a position that he can overreach the process of law, and the authority law confers on the Court. This is further fortified on a bare perusal of the tenor and contents of the 'purshish' and the other letters as noted by us as also from the letter as addressed by Mr. Kurle, to his client stating that he intends to take a discharge, that too in the matter part heard on 9 April 2025, that too at the request of Advocate Mr. Kurle, which stood over to 15 April 2025. Thus, considering the tone and tenor of the statements as made by Mr. Kurle in the present proceedings, it certainly crosses all limits of legitimacy, propriety and rationale expected from an officer of the Court. Such conduct is certainly an anathema to the process of law and the solemnity of administration of justice, least expected from an officer of the Court in the noble profession of advocacy. Most significantly this does not appear to be for the first time Mr. Kurle has conducted in such manner, considering the following telling observations of the Supreme Court in case of the very advocate Mr. Vijay Kurle in **Re : Vijay Kurle & Ors.**¹ when the Supreme Court made the following observations:-

“58. There can be no manner of doubt that any citizen of

¹ (2021) 13 SCC 616

the country can criticise the judgments delivered by any court including this Court. **However, no party has the right to attribute motives to a Judge or to question the bona fides of the Judge or to raise questions with regard to the competence of the Judge. Judges are part and parcel of the justice delivery system. By and large, Judges are reluctant to take action under contempt laws when a personal attack is made on them. However, when there is a concerted attack by members of the Bar who profess to be the members of an organisation having a large following, then the court cannot shut its eyes to the slanderous and scandalous allegations made. If such allegations which have not only been communicated to the President of India and the Chief Justice of India, but also widely circulated on social media are permitted to remain unchallenged then the public will lose faith not only in those particular Judges but also in the entire justice delivery system and this definitely affects the majesty of law.**

... ..

78. We also fail to understand how Shri Vijay Kurle who is a lawyer claims that it is his fundamental right to initiate criminal proceedings against Judges. Some members of the Bar cannot hold the judiciary to ransom by threatening Judges of initiating criminal action. If this trend is not dealt with firmly then any party against whom a case is decided will start filing criminal cases against Judges.

79. The relationship between the Bench and the Bar should be a cordial relationship with mutual respect for each other. Lawyers who try to browbeat or threaten Judges have to be dealt with firmly and there can be no ill-founded sympathy for such lawyers. Such lawyers do nothing to help the legal fraternity much less the Bar.

80. Shri Vijay Kurle has further made the following observations in Para 35 on p. 103 of the first complaint:

“35. In view of the above settled law, it is clear that Justice Rohinton Fali Nariman is not having basic knowledge of law or he has a tendency to lower down the authority of Hon'ble Supreme Court by treating him above law.”

Again, these allegations are not only totally baseless but the allegations themselves lower the majesty of this Court.

.. ..

82. What is even more shocking is the next paragraph where it is stated that criminal-minded Judges by twisting facts and by misleading legal position and misinterpreting the laws of this Court are trying to make the Court as their personal property.

In the context in which these allegations have been made, it is apparent that though not named, these allegations are against the Judges who constitute the Bench which decided Writ Petition (C) No. 191 of 2019. No discussion is required to hold that such allegations are scandalous and amount to contempt of court. Shri Vijay Kurle has the temerity and gall to make the accusations against 2 sitting Judges of this Court alleging that they are criminal-minded Judges, that they have twisted material facts and have misinterpreted the settled laws of this Court. We fail to understand what is meant by “misleading legal position”. The allegations that these Judges are trying to make the Court their personal property and are running a syndicate and passing favourable orders to undeserving people to extort money are scandalous and scurrilous and no great discussion is required to hold that they amount to contempt of court.

... ..

101. Shri Vijay Kurle has hardly 7 years' standing at the Bar. His complaint is full of mistakes and he has not even cared to check the spelling of the name of the Judge who he claims has no knowledge of law. His professional credentials are not known and we fail to understand how can he adorn the robes of a Judge to pass judgment on the Judges of the highest court, that too by using highly intemperate language and language which casts a doubt not only on the ability of the Judges but scandalises the Court and lowers the dignity and reputation of this Court in the eyes of the general public. These sort of scandalous allegations have to be dealt with sternly and nipped in the bud.

(emphasis supplied)

9. Apart from the aforesaid observations of the Supreme Court, we may also note a recent order dated 09 April 2025 passed by the learned Single Judge (Coram: Madhav J. Jamdar J) in Civil Revision Application No. 189 of 2025 as noted by us above, wherein the learned Single Judge, in the facts and circumstances as set out in the said order, has made serious observations against Mr. Vijay Kurle, directing the Bar Council of

Maharashtra and Goa to conduct appropriate enquiry in regard to the conduct of Mr. Vijay Kurle in accordance with law. The relevant observations in the said order are required to be noted which read thus:-

Conduct of Mr. Vijay Kurle, Learned Advocate:

3.

4.....

5. In view of the above conduct of Mr. Vijay Kurle, learned Advocate it is required to be noted that the Advocates are the Officers of the Court and their first duty is to the Court. Advocates are not the agents of their client. In this behalf it is significant to note the Rules governing Advocates framed by the Bar Council of India concerning Standards of Professional conduct and Etiquette framed under Section 49(1) of the Advocate Act, 1961. The relevant rules are as under :-

“Preamble

An advocate shall, at all times, comport himself in a manner befitting his status as an officer of the Court/a privileged member of the community and a gentleman, bearing in mind that what may be lawful and moral for a person who is not a member of the Bar, or for a member of the Bar in his non-professional capacity may still be improper for an advocate. Without prejudice to the generality of the foregoing obligation, an Advocate shall fearlessly uphold the interests of his client, and in his conduct conform to the rules hereinafter mentioned both in letter and in spirit. The rules hereinafter mentioned contain canons of conduct and etiquette adopted as general guides, yet the specific mention thereof shall not be construed as a denial of the existence of others equally imperative though not specifically mentioned.

Section I-Duty to the Court

1. An Advocate shall, during the presentation of his case and while otherwise acting before a Court, conduct himself with dignity and self-respect. He shall not be servile

and whenever there is proper ground for serious complaint against a judicial officer, it shall be his right and duty to submit his grievance to proper authorities.

2. An Advocate shall maintain towards the Court a respectful attitude, bearing in mind that the dignity of the judicial office is essential for the survival of a free community.

3. An Advocate shall not influence the decision of a Court by any illegal or improper means. Private communication with a judge relating to a pending case are forbidden.

4. An Advocate shall use his best efforts to restrain and prevent his client from resorting to sharp or unfair practices or from doing anything in relation to the Court, opposing counsel or parties which the Advocate himself ought not to do. An advocate shall refuse to represent the client who persists in such improper conduct. He shall not consider himself a mere mouthpiece of the client and shall exercise his own judgement in the use of restrained language in correspondence avoiding scurrilous attacks in pleadings, and using intemperate language during arguments in Courts.”

(Emphasis added)

Thus, an Advocate shall act at all times in a manner befitting his status as an Officer of the Court. An advocate shall conduct himself with dignity and self respect. An Advocate shall not influence the decision of a Court by any illegal or improper means. An Advocate shall use his best efforts to restrain and prevent his client from resorting to sharp or unfair practices or from doing anything in relation to the Court. An advocate shall refuse to represent the client who persists in such improper conduct. He shall not consider himself a mere mouthpiece of the client.

6. If the above referred conduct of Mr. Vijay Kurle, learned Advocate is examined, on the touchstone of the above Rules governing Advocates framed by the Bar Council of India concerning Standards of Professional conduct and Etiquette, then it is clear that Mr. Vijay Kurle, learned Advocate has acted in complete breach of the said rules. Although the matter is completely heard on 4th April 2025 and kept for passing order he was seeking time for file vakalatnama and arguing the matter. Thus,

Mr. Vijay Kurle, learned Advocate has acted as agent/mouthpiece of the Applicant and not as the Officer of the Court.

... ..

8. As noted herein above the Rules framed by the Bar Council of Maharashtra and Goa concerning the Standards of Professional Conduct and Etiquette inter alia provides as follows :-

- i. An Advocate shall, at all times, conduct himself in a manner benefiting his status as an officer of the Court.
- ii. An Advocate shall, during the presentation of his case and while otherwise acting before a Court, conduct himself with dignity and self respect.
- iii. An Advocate shall not influence the decision of a Court by any illegal or improper means.
- iv. An Advocate shall use his best effort to restrain and prevent his client from resorting to sharp or unfair practices or from doing anything in relation to the Court.
- v. An Advocate shall not consider himself a mere mouthpiece of the client and shall exercise his own judgment.

9. The conduct of Mr. Vijay Kurle, learned Advocate clearly shows that instead of restraining and preventing the Applicant from resorting to sharp and unfair practices, Mr. Vijay Kurle, learned Advocate has acted as agent of the Applicant. Mr. Vijay Kurle, learned Advocate instead of acting as an Officer of the Court actively participated with the Applicant in resorting to sharp and unfair practice by appearing in the matter which has been completely heard and kept for passing order. Although it is informed to Mr. Vijay Kurle, learned Advocate that the matter is kept for passing order still to delay passing of order he sought adjournment for filing vakalatnama and for arguing the matter. The said conduct clearly shows that Mr. Vijay Kurle, learned Advocate has resorted to sharp and unfair practice with complete knowledge that the matter is completely heard and kept for passing order. Prima facie I am satisfied that Mr. Vijay Kurle, learned Advocate has committed misconduct. Thus, in the facts and circumstances it is necessary to direct that the Bar Council of Maharashtra and Goa to conduct enquiry in the conduct of Mr. Vijay Kurle, learned Advocate. It is specifically made clear that the

observations made in this order regarding the conduct of Mr. Vijay Kurle, learned Advocate are prima facie and all contentions are expressly kept open to be decided in the said enquiry to be conducted by the Bar Council of Maharashtra and Goa, in accordance with law.

... ..

25. In view of the above discussion following order is passed.

ORDER

i.

vi. In the facts and circumstances of this case as more particularly set out in the Order, the Bar Council of Maharashtra and Goa is directed to conduct appropriate enquiry in the conduct of Mr. Vijay Kurle, learned Advocate, in accordance with law.”

(emphasis supplied)

10. It cannot be a coincidence that the Courts were required to pass such orders in proceedings before it, when Mr. Kurle appeared. On the position being taken by Mr. Kurle before us today, in our opinion, the entire effort is nothing but a serious calculated attempt to undermine, scuttle and sabotage the present proceedings, this more particularly in view of certain admissions as recorded by us on the statements of Mr. Kurle in the previous order.

11. On such conduct of Mr. Kurle, not only in the proceedings of the case, but also in the open Court, Mr. Hegde, learned senior counsel for

respondent no.5/Advocate, would submit that this is an easy way to get rid of the part heard proceedings and more particularly when the proceedings on the earlier occasion were adjourned to enable Mr. Kurle to study the material/judgments which were cited. In this context Mr. Hegde draws our attention to our order dated 09 April 2025. He also submits that petitioner no.1 and petitioner no.2 were also called before the Court in the context of the observations as made by the Court in the previous orders more particularly on the locus of these petitioners to pursue the cause and the significant submissions in that regard made at the Bar. He submits that the Court in passing such orders had considered the sanctity and solemnity of the court proceedings to be paramount. Mr. Hegde accordingly would submit that the stand taken by Mr. Kurle being highly contemptuous in the utterances made by Mr. Kurle and as noted by us hereinabove, is most objectionable.

12. Mr. Anturkar learned Amicus states that he is aghast at the position which Mr. Kurle, learned Advocate for the petitioners has taken. Mr. Anturkar drawing an analogy from a Hindi Poem “कृष्ण की चेतावनी”, penned by Ramdhari Singh Dinkar, which inter alia recites “जब नाश मनुज पर छाता है, पहले विवेक मर जाता है”. He would thus submit that this is a case where all rationale and wisdom is completely lost and more particularly

when it comes to the solemnity of the Court proceedings, which were to be heard today, if Mr. Kurle was to continue with the submissions on the issues as involved. He also submits that he has personally received a letter addressed by petitioner No.1 whereby he is threatened of legal proceedings, when petitioner No.1 is well aware that he was appointed as an amicus to assist the Court. We have requested Mr. Anturkar to place on record a copy of such letter as addressed to him by petitioner no.1. Later on, a copy of the said letter is submitted by Mr. Anturkar with the Court Associate. We find the contents of the same to be highly objectionable and an attempt on the part of petitioner no.1 to interfere in the administration of justice in regard to which the Court would be required to pass appropriate orders against petitioner no. 1 after hearing him in person.

13. This is something which would really shock the conscience of the Court and it is for such reason, what we have observed hereinabove that there is systematic method to sabotage the Court proceedings, appears to be true. We may observe that if the parties start addressing legal notices or letters threatening the advocates not representing the party, and that too, in regard to submissions made in the course of legal proceedings, the consequence we see are horrendous. By no norms of prudence and/or law, this is permissible. This would amount to direct interference by such party

in the administration of justice. We are certainly sure that such letter which was addressed by petitioner no. 1 is not his ingenuity and we would also refuse to believe that such letter with its contents could at all be the sole work of petitioner no.1.

14. Dr. Warunjikar, learned counsel appearing with Dr. Sathe for Bar Council of Maharashtra and Goa would submit that the norm is that a 7 days notice is required to be issued by the advocate if he intends to take discharge from the client, referring to Rule 8(4) of the Bombay High Court Appellate Side Rules. The said rule reads thus:-

“(4) When an Advocate who has filed a Vakalatnama for a party wishes to withdraw his appearance he shall serve a written notice of his intention to do so on his client at least seven days in advance of the case coming up for hearing before the Court. Leave of the Court to withdraw appearance may also be applied for if the client has instructed the Advocate to that effect.

The Advocate shall file a note in writing requesting the Court for permission to withdraw appearance and shall also file along with the note the letter of the client instructing him to withdraw his appearance or a copy of the intimation given to the client as above together with its written acknowledgment by the client. The Court if it is satisfied that no inconvenience is likely to be caused to the Court or the client may permit the Advocate to withdraw his appearance and while permitting the Advocate to do so may also impose such terms and conditions as it may deem proper either in public interest or in the interest of the parties.”

It is accordingly Mr. Warunjikar’s submission that the request for discharge as made by Mr. Kurle before the Court needs to be rejected, as it

is wholly intended to remove the proceedings from this Court, hence, a case falling in the second part of the said Rule. He submits that such request of Mr. Kurle is *ex facie* contrary to the Rule.

15. As noted above, we are not only surprised but also shocked with the tenor, language of Mr. Kurle and the baseless allegations made towards the Court that “the Court is hand in glove with the respondents”. In our opinion, apart from this the contents of the letter which Mr. Kurle has addressed to his clients, as observed by us hereinabove, are highly objectionable. We are thus of the clear opinion that the conduct of Mr. Kurle as an advocate, who is supposed to be officer of the Court, on the face of it amounts to impropriety of a grossest nature, apart from such actions amounting to criminal contempt of Court.

16. Mr. Kurle’s conduct of addressing a letter to his clients seeking to take a discharge as seen from the contents therein, read with the other materials like the purshish dated 03 April 2025 as placed on record, which he has stated to have drafted himself, as recorded in our earlier order, leaves no manner of doubt in our mind that no responsible officer of the Court can, with any sense of propriety, reasonableness, responsibility and respect for the Court and law, create such record by addressing such letters.

Such conduct in our opinion certainly amounts to misusing the privilege as an Advocate, apart from completely forgetting the solemn duties an Advocate would be required to discharge towards the Court, as an officer of the Court. Mr. Kurle as also the petitioners may make whatever allegations against the Court orally and/or in writing with intention or motives best known to him, however, he ought not to be oblivious that the shoulders of the Court are broad and strong, as also the long arms of law are sufficient enough to deal with all such situations, when the purity and solemnity of the Court proceedings and the interest of administration of justice is being tinkered, abused and interfered for extraneous considerations, by adopting a *modus operandi* of making allegations against the Court and terrorizing the advocates who appear for parties in dragging them in legal proceedings or in proceedings before the Bar Council.

17. As noted above, it is clear from the decisions of the Supreme Court as also of this Court that this is not the first time Mr. Kurle has conducted himself in such manner.

18. No citizen, much less the Advocates who are appearing day in and day out before the Court, should have a fear from any such practices

adopted by the litigants with the assistance of Advocates and have the feeling that the solemnity of the Court proceedings can be so easily taken to ransom by such conduct of the litigants and advocates. We are seriously concerned with the confidence and the trust of the litigants in the process of law and the Courts. Here is a case wherein, in our opinion, not a single stone is left unturned by such syndicate of the husband's family, to not comply and defeat the successive orders of the Division Benches, directing payment of maintenance to the wife (respondent No. 4), including dragging the advocate representing her to face the present proceedings, namely of a threat of criminal proceedings, as also complaints filed before the Bar Council. We thus maintain our view that the confidence of the advocates in discharging their solemn duties towards their clients, as also the faith of the litigants in the sanctity of the judicial proceedings, can neither be shattered nor compromised. This is one of the important issues involved in the present proceedings as noted in our prior order.

19. In the aforesaid circumstances, we are of the clear opinion that Mr. Kurle's application for discharge does not warrant any consideration also considering the principles of law on conduct of an advocate, as observed by the learned Single Judge of this Court (Mr. Justice Madhav J. Jamdar) in Civil Revision Application No. 189 of 2025, with which we fully

concur.

20. We would have certainly taken the matter to its logical conclusion despite such scurrilous attempts to interfere in the administration of justice, as noted hereinabove, undeterred by such conduct of Mr. Kurle and that of the petitioners and more particularly petitioner No.1. The wheels of justice cannot be halted and as noted above, the long and iron hands of law are sufficient enough to deal with such situations arising before the Court. However, considering the solemn principle that '*justice should not only be done but seen to be done*', that no litigant before us even the advocates, should have a feeling of any dissatisfaction, we would not proceed to hear the proceedings of this writ petition and the other connected proceedings which need to be placed to be heard by an appropriate Bench as the Hon'ble Chief Justice may order.

21. In the light of the aforesaid discussion and circumstances, we pass the following orders:-

ORDER

i. Registry to issue notice to Mr. Vijay Kurle, Advocate to show cause as to why he should not be proceeded for having committed criminal

contempt of the Court in regard to his statements as made against the Court, as observed by us hereinabove. The notice is made returnable on 29 April 2025.

Mr. Kurle, Advocate, being present in the Court, has taken note of the present order and of this notice and more particularly as the notice is being issued in the course of judicial proceedings. Reply affidavit to the notice be filed on or before the returnable date.

ii. The Registry to place the Criminal Contempt Proceedings before the appropriate Bench, as the Hon'ble the Chief Justice may order.

iv. We also direct that the Family Court Appeal No. 197 of 2015, along with the connected proceedings be also removed from our board, which shall not be placed before a Bench of which we are members.

v. Copy of the communication of Mr. Vijay Kurle to his client (Petitioners), as also the letter addressed by petitioner no. 1 to Mr. A.V. Anturkar, learned Senior Advocate, is directed to be kept in a sealed envelop to be made available to the Court as and when necessary or as may be ordered by the Hon'ble the Chief Justice.

22. We may also observe that in view of the submissions as made at the

Bar on 21 March 2025, Writ Petition (L) No. 6841 of 2024 (O.S.) was tagged with the present proceedings as simplicitor observed in paragraph 10 of our order that the same be tagged along with the present proceedings. We have so far not even touched the said proceeding much less heard. If they are not tagged with the present writ petition as pointed out by Mr. Kurle, let the same be placed before the appropriate Bench by the Registry.

23. We are also of the opinion that in the proceedings against Mr. Kurle to be conducted by the Bar Council of Maharashtra and Goa as directed by Mr. Justice Madhav J. Jamdar, in Civil Revision Application No. 189 of 2025, the present order be also forwarded to the Bar Council of Maharashtra and Goa, as we are of the clear opinion the conduct of Mr. Kurle Advocate, even in the present case needs to be considered by the Bar Council of Maharashtra and Goa in the enquiry so directed against Mr. Vijay Kurle. We too order that an appropriate enquiry be conducted on the conduct of Mr. Vijay Kurle as discussed by us, in accordance with law, as expeditiously as possible and the same be completed within a period of ten weeks from the date a copy of this order is made available. The compliance of the same be placed before the Court on 14 July 2025.

24. Insofar as Mr. Anturkar's submission that petitioner no.1 has addressed a letter dated 10 April 2025 to him personally and in regard to the arguments as advanced by him in the present proceedings, we are quite surprised to note the ingenuity of petitioner no.1 and as rightly pointed out to us we ponder whether a normal litigant can go to this extent. In our opinion, such letter, a copy of which is neither tendered by Mr. Kurle nor informed to the Court, we are of the clear opinion that such letter has no legal sanctity whatsoever and that too when it pertains to Mr. Anturkar assisting the Court as an amicus and in discharging his duties towards the Court in the submissions he made.

25. Before parting we will be failing in our duty, if with the observations as made by us, we can at all hear Mr. Kurle in any other matter which may be listed before us. We accordingly direct the Registry that no proceedings of Mr. Kurle shall be placed before the Court of which both of us are members.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]