

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
WRIT PETITION (C) NO. OF 2025**

**[UNDER ARTICLE 32 R/W 129 AND 142 OF THE CONSTITUTION
OF INDIA]**

IN THE MATTER OF:

MATHEWS J. NEDUMPARA

PETITIONER

VERSUS

THE SUPREME COURT OF INDIA & ORS.

RESPONDENTS

WITH

I.A. NO. OF 2025

**APPLICATION FOR PERMISSION TO APPEAR AND ARGUE IN THE
ABOVE WRIT PETITION AS PARTY-IN-PERSON**

PAPER BOOK

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MATHEWS J. NEDUMPARA: PETITIONER IN PERSON

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A-1**PROFORMA FOR FIRST LISTING**

SECTION		
The case pertains to (Please tick / check the correct box):		
<input type="checkbox"/>	Central Act: (Title)	Constitution of India
<input type="checkbox"/>	Section:	Under Article 32, 129 and 142 of the Constitution of India
<input type="checkbox"/>	Central Rule: (Title)	N.A.
<input type="checkbox"/>	Rule No(s)	N.A.
<input type="checkbox"/>	State Act: (Title)	N.A.
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<input type="checkbox"/>	State Rule: (Title)	N.A.
<input type="checkbox"/>	Rule No(s)	N.A.
<input type="checkbox"/>	Impugned Interim Order: (Date)	N.A.
<input type="checkbox"/>	Impugned Final Order / Decree: (Date)	N.A.
<input type="checkbox"/>	High Court: (Name)	N.A.
<input type="checkbox"/>	Names of Judges:	N.A.
<input type="checkbox"/>	Tribunal / Authority: (Name)	N.A.
1.	Nature of Matter	<input type="checkbox"/> Civil <input type="checkbox"/> Criminal
2.	(a) Petitioner / Appellant No. 1:	MATHEWS J. NEDUMPARA
	(b) E-Mail Id:	N. A.
	(c) Mobile Phone Number:	N. A.
3.	(a) Respondent No. 1:	THE SUPREME COURT OF INDIA & ORS.

A-2

	(b) E-Mail Id:	N. A.	
	(c) Mobile Phone Number:	N. A.	
4.	(a) Main Category Classification.	1800 Ordinary Civil Matters	
	(b) Sub Classification:	1807 Others	
5.	Not to be listed before:	N.A.	
6.	(a) Similar disposed of matter with citation, if any, & case details: No similar matter is disposed of by this Hon'ble Court.		
	(b) Similar pending matter with case details: No similar matter is pending before this Hon'ble Court.		
7.	Criminal Matters:		
	(a) Whether accused / convict has surrendered: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N		
	(b) FIR No.	N.A.	Date: N.A.
	(c) Police Station:	N.A.	
	(d) Sentence Awarded:	N.A.	
	(e) Period of sentence undergone including period of detention / custody undergone:	NA.	
	(f) Whether any earlier case between the same parties is filed:	N.A.	
	(g) Particulars of the FIR and Case:	N.A.	
	(h) Whether any bail application was preferred earlier and decision thereupon:	N.A.	

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8.	Land Acquisition Matters:	
	(a) Date of Section 4 Notification:	N.A.
	(b) Date of Section 6 Notification:	N.A.
	(c) Date of Section 17 Notification:	N.A.
9.	Tax Matters: State the tax effect:	N.A.
10.	Special Category (First Petitioner / Appellant Only):	
	<input type="checkbox"/> Senior Citizen > 65 Years <input type="checkbox"/> SC / ST <input type="checkbox"/> Woman /Child Disabled Legal Aid Case <input type="checkbox"/> In Custody <input type="checkbox"/>	
11.	Vehicle Number (in case of Motor Accident Claim Matters):	N.A.
12.	Whether there was is litigation on the same point of law, if yes, details thereof.	No
Place: New Delhi Dated: 29.04.2025		<p style="text-align: right;">MATHEWS J. NEDUMPARA Advocate Petitioner in Person 101, 1st Floor, Gundecha, Chamber, Nagindas Road, Fort, Mumbai-400001, Maharashtra E-Mail: mathewsjnedumpara@gmail.com Mob. No. 9820535428</p>

B

SYNOPSIS

1. The instant petitioner under Article 32 r/w Article 129 and 142 is an appeal to the conscience of this Hon'ble Court by means of an intra court appeal to undo an unthinkable injustice which the Court had committed invoking its suo motu contempt powers to a lawyer who has spent a lifetime for greater transparency, reforms and accountability in the judiciary of this great nation.
2. The offence he committed, namely, in facie curiae, contempt in the face of the court, is that he took the name of the late Shri Fali S. Nariman in the course of arguments in a petition instituted by the National Lawyers' Campaign for Judicial Transparency and Reforms (NLC) seeking declaration that Section 16 (1) and 23(5) of the Advocates Act, 1961, which classifies lawyers into two categories and empowers the High Courts and the Supreme Court to designate lawyers as Senior advocates, conferring the latter with special status and privileges is violative of Article 14, 19 and 21 of the Constitution. The Petitioner had indeed taken the name of Shri Fali S Nariman, to buttress his contention inasmuch as that Shri Fali Nariman had, to the petitioner and in the public domain, stated that in the matter of designation of lawyers as senior advocate, the only thing to be reckoned is the date of enrolment and nothing else. This Hon'ble Court which heard the Petitioner on 5.3.2019 adjourned the case sine die for pronouncement of orders.

C

3. However, on 12.3.2019, the Petitioner convicted the Petitioner for contempt in the face of the Court, holding that the reference to Shri Fali Nariman was to embarrass Justice Nariman and was nothing but browbeating the Court. The Court further listed the matter to 27.3.2019 to hear the Petitioner on the quantum of punishment. That Petitioner was sentenced to 3 months imprisonment and barred from practicing in the Supreme court for a period of one year. The sentence was suspended after taking on record the Petitioner's apology.
4. It is beyond comprehension how taking the name of Shri Fali Nariman, in itself, without saying anything more, constitutes contempt of court. The aforesaid conviction and sentence at the hands of this Court would rattle the conscience of any right-thinking person. Taking the name of someone, anyone, that too in nothing but high regard, can by no stretch of imagination be termed as contempt capable of inviting/warranting punishment by imprisonment or bar from practicing.
5. This Court convicted the Petitioner by privately gathering materials regarding proceedings initiated against the Petitioner pending before the Bombay High Court, which are absolutely false, evident ex facie from the very records itself, and which have nothing to do with the alleged contempt in the face of the Court. The Court in doing so, violated the fundamental principle of law that no material shall be relied against an accused behind his back. *Non refert quid notum sit judici, si notum non sit in forma judicii*

D

– it matters not what is known to the Judge, if it be not known judicially. No Judge should import his private knowledge of the facts into a case – is a fundamental principle of law, namely, that a Judge only knows what is judicially known to him and not otherwise— a key principle of Common Law’s adversarial system.

6. The late Shri Fali Nariman, the father of Justice Rohinton Nariman, was the Respondent in a petition which the Petitioner and others filed in challenge of the practice of the immediate relatives of judges practicing before the very same court. The Delhi High Court dismissed the said writ petition on 6.3.2019 and the bench headed by Justice Rohinton Nariman passed the order convicting the Petitioner for contempt in the face of the Court on 12.3.2019. The bench headed by Justice Rohinton Nariman further went on to hear the petitioner on the quantum of punishment even after the Petitioner raising the plea of conflict of interest and filing an application for transfer of the case. To repeat, the Petitioner was convicted without being afforded any opportunity to be heard. The Court did not ask him what he had to say against the materials about him which the Court had privately gathered to justify its conviction. No show cause notice was issued, no charges were framed, no opportunity whatsoever to be heard was given, no contempt of court proceedings were initiated in open court, the conviction was entirely a behind the door affair. The Petitioner was convicted behind his back, in his absence, without a lawyer. Something that would not have happened even

E

in the Dark Ages, for even in the Dark Ages, the alleged contemnor is heard. One forum of right to appeal on both fact and law is an essential ingredient of the very life to life under Article 21. This Hon'ble Court in Re: Vijay Kurle has opened the doors for one forum of appeal in a case as the instant one where a citizen is convicted for contempt by the Supreme Court in its original jurisdiction. Hence the instant petition for undoing the injustice caused to the Petitioner by the judgment and orders of this Court dated 12.3.2019 and 27.3.2019 by virtue of an intra Court appeal for this Hon'ble Court as the guardian and protector of the fundamental rights is duty bound to do so, ex debito justitiae.

LIST DATES

1984	Petitioner enrolled as an advocate with Bar Council of Kerala.
5.1.2011	Petitioner wrote a letter raising concerns regarding lawyers practicing before Courts where their relatives are judges.
8.8.2016	Petitioner sent a letter to Shri Fali Nariman regarding professional ethics and appearance before Supreme Court where his son is a judge.
20.06.2013	Bombay High Court issued Suo Motu Contempt notice against the Petitioner.

F

1.3.2019	Petitioner institutes Writ Petition (Civil) No. 2199 of 2019 before Delhi High Court challenging explanation to Rule 6 of BCI rules,
5.3.2019	Hearing in Writ Petition (C) No. 191 of 2019 before Supreme Court of India;
6.3.2019	Delhi High Court dismissed the Writ Petition challenging the practice of immediate relative of judges practicing before the same court
12.3.2019	Judgement passed convicting the Petitioner for Contempt of Court in the face of the Court without formal proceedings.
26.03.2019	Petitioner mentioned an application for transfer before the Hon'ble CJI seeking transfer of contempt proceedings to another Bench.
27.3.2019	Hearing on quantum of punishment; Petitioner sentenced to 3 months simple imprisonment and barred from practicing in the Supreme Court for One year.
5.1.2017	Supreme Court dismissed Transfer Petition (Crl.) No. 422 of 2016 filed by the Petitioner regarding proceedings pending in Bombay High Court but directed both matters to be heard together.
9.10.2015	Ld. Magistrate took cognizance under section 500 IPC against Shri Tambe and Dr. Saraf on the complaint of the petitioner.
29.04.2025	Hence the present Writ Petition.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

WRIT PETITION (C) NO. OF 2025

**[UNDER ARTICLE 32 R/W 129 AND 142 OF THE CONSTITUTION
OF INDIA]**

IN THE MATTER OF:

MATHEWS J. NEDUMPARA,
ADVOCATE,

RESIDING AT HARBOUR HEIGHTS, “A” WING
12-F, SASSOON DOCKS, COLABA, MUMBAI,
MAHARASHTRA-400005.

PETITIONER

VERSUS

1. THE SUPREME COURT OF INDIA,
THROUGH ITS REGISTRAR GENERAL,
TILAK MARG, NEW DELHI-110001. RESPONDENT NO. 1

2. THE UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF FINANCE DEPARTMENT
OF FINANCIAL SERVICES,
GOVERNMENT OF INDIA, JEEVAN DEEP
BUILDING, PARLIAMENT STREET,
NEW DELHI-110001. RESPONDENT NO. 2

3. DR. BIRENDRA SARAF
ADVOCATE GENERAL OF
MAHARASHTRA
1ST FLOOR, CHAMBER NO. 5, HIGH COURT,
EXTENSION BLDG, FORT, MUMBAI,
MAHARASHTRA-400032. RESPONDENT NO. 3

4. P. S. TAMBE
ASST. GENERAL MANAGER,
JANKALYAN SAHAKARI BANK LTD,
140, SINDHI SOCIETY, VIVEK DARSHAN,
OPP. BHAKTI BHAVAN,
CHEMBER, MUMBAI,
MAHARASHTRA-400071. RESPONDENT NO. 4

WRIT PETITION UNDER ARTICLE 32 r/w 129 and 142 OF THE
CONSTITUTION OF INDIA SEEKING DECLARATION AND OTHER
RELIEFS

TO
THE HON'BLE CHIEF JUSTICE AND
HIS COMPANION JUSTICES OF THE
HON'BLE SUPREME COURT OF INDIA

HUMBLE PETITION OF THE
PETITIONER IN PERSON ABOVE NAMED

MOST RESPECTFULLY SHEWETH:

1. The Petitioner in Person was enrolled as an Advocate with the Bar Council of Kerala in the year 1984 and has been in practice since then. He is also the President of the National Lawyers' Campaign for Judicial Transparency and Reforms (for short, "NLC"), an organization of first-generation lawyers who strive for earning equal opportunity for the first-generation lawyers and other disadvantaged sections of the legal profession. In line with its objectives, the Petitioner and the NLC had participated with keen interest in matters involving the collegium system of selection and appointment of Judges to the higher judiciary and the system of designation of lawyers as Senior Advocates by the Judges. The Petitioner strongly believes that the appointment of kith and kin or nephews and juniors of sitting and former Judges of the Supreme Court and High Courts, as also that of the elite classes of the society such as that of celebrated lawyers, Chief Ministers, Governors et al, led to a pernicious system of selection which worked to the benefit of a few. They also believe that designation of lawyers as Senior Advocates is

on the whole discriminatory and has led to classification of the Bar into two classes namely, the elite and the non-elite. The elite class, which is a select minority, dominated the profession in manifest ways while the non-elite class which comprised 95% of the legal fraternity were denied their due place and share in the Bench and the Bar. The Petitioner and the NLC believe that the Explanation to Rule 6 of the Bar Council of India Rules, 1975, CHAPTER II (STANDARDS OF PROFESSIONAL CONDUCT AND ETIQUETTE), which clarifies that a ‘Court’ means only the Court wherein a relative of a lawyer is a Judge and not the entire Court, is contrary to the first principle of natural justice and the impartiality and independence of the judiciary as an institution. As the adage goes, “justice should not only be done, but should manifestly and undoubtedly be seen to be done”.

2. At the outset, the Petitioner would like to reiterate that he holds the late Shri Fali S. Nariman, in the highest of esteem; the Petitioner holds the same view for his son, Hon'ble Shri Justice Rohinton F. Nariman. Before narrating the incidents, which form the context of this matter, the Petitioner would like to admit, in all honesty, that on a different count, the Petitioner and the NLC had serious differences of opinion with the late Shri Fali Nariman on certain issues. The Petitioner considers that the Constitution (Ninety-ninth Amendment) Act, 2014 and the National Judicial Appointment Commission Act, 2014 (for short, ‘NJAC’) represented a unique moment in history and echoed the will of the people. The NJAC provided for substitution of the

system of selection and appointment of Judges, which no less a legend, Justice V.R. Krishna Iyer, had lamented as having reduced the Indian judiciary to an oligarchy. The Petitioner, who believes that the appointment to the Supreme Court ought to be on merits and the most deserving, erudite and meritorious should occupy the august seat of the Judge of the Supreme Court, would admit that our higher judiciary has certain outstanding talents.

3. However, the Petitioner as well as the NLC had a principled opposition to the late Shri Fali Nariman continuing to practice in the Supreme Court even after the elevation of his son as a Judge of the said Court. To reiterate, this opposition was purely based on a principle and nothing else. Accordingly, the Petitioner addressed the letter dated 08/08/2016 to late Shri Fali Nariman with the noble intention to appeal to his conscience.
4. The Executive Committee of the NLC as well as the Campaign for Home for All, which shares the ideologies of the former when it comes to the protection of the constitutional and legal rights of slum dwellers and the homeless, decided to invoke the jurisdiction of the High Courts of Delhi and Bombay to challenge the system of designation of lawyers as Senior Advocates. The Petitioner had seen and experienced, day in and day out that that a number of poor litigants who are unable to engage a designated lawyer often suffer adverse outcomes. Accordingly, the Petitioner, along with other office-bearers of the NLC, instituted a Writ Petition, namely, Writ Petition(C) No.2199/2019, in the High Court of Delhi seeking a declaration

that Rule 6 of the Bar Council of India Rules, 1975, CHAPTER II (STANDARDS OF PROFESSIONAL CONDUCT AND ETIQUETTE) is unconstitutional and void.

5. Even prior to the institution of the said Writ Petition, the NLC along with the Campaign for Home for All had instituted Writ Petition No.191/2019 in the Supreme Court for a declaration, inter alia, that Sections 16(2) and 23(5) of the Advocates Act, 1961 are detrimental to the interest of the poor litigants who cannot afford to engage a Senior Advocate; that the judgment of the Supreme Court in *Indira Jaising v. Supreme Court of India & Ors.*, (2017) 9 SCC 766, does not constitute to be a res judicata as the Petitioners in the said Writ Petition were not parties to the said case/judgment; that the doctrine of stare decisis, in terms of Article 141 of the Constitution has no application in this instance (since in *Indira Jaising v. Supreme Court of India & Ors.*, all, except the NLC and the Gujarat Bar Association did not challenge the validity of Sections 16(2) and 23(5) of the Advocates Act, but only sought certain guidelines to ensure a better and transparent method of designation of lawyers as Senior Advocates); that in the worse scenario, i.e., challenge of the said Sections is refused to be entertained by this Hon'ble Court, lawyers, who have crossed the age of 62 years and have been in active practice for more than 35 years, be designated as Senior Advocates, which will mean recognition of the talent and experience of thousands of lawyers practicing in the subordinate Courts who were never ever considered for

designation and, still in the worst scenario, even if such a relief cannot be granted, then allow such lawyers to be addressed by others as Senior Advocates, as is the case in other professions like medicine, chartered accountancy, cost accountancy, company secretary etc.

6. As per the practice in the High Court of Delhi, before a fresh Writ Petition is listed for admission, advance notice has to be given to the respondents and proof thereof has to be submitted. The Petitioner, who along with other office-bearers of the NLC, had instituted the Writ Petition in challenge of Rule 6 of the Bar Council of India Rules as aforesaid, caused advance notice to be served on late Shri Fali Nariman, Respondent No.1 therein. Writ Petition (Civil) No. 191 of 2019 instituted before the Supreme Court on the issue of designation of lawyers as Senior Advocates came to be listed on 05/03/2019 within a few days of service of notice of Writ Petition (C)No.2199/2019 on the issue of lawyers practicing in the very same Court where their immediate relative is a Judge. The Petitioner, at the risk of being misunderstood or even proven wrong, believes that Hon'ble Shri Justice Rohinton F. Nariman probably would have been informed of the institution of the Writ Petition wherein the instant Petitioner is the 1st Petitioner and late Shri Fali Nariman is the 1st Respondent. The Petitioner instantaneously seeks the forgiveness of this Hon'ble Court in drawing such an inference, namely that Hon'ble Shri Justice Rohinton F. Nariman would have come to know about the filing of the Writ Petition against his father and venturing to

state so in an application as the instant one. However, in the context of the instant Petition seeking reconsideration of the order dated 27/03/2019, a pleading as aforesaid is unavoidable.

WHAT TRANSPIRED IN THE COURT ON 05/03/2019

7. The Petitioner, to repeat and reaffirm, has all faith in the independence, impartiality, objectivity and fairness of Hon'ble Shri Justice Rohinton F. Nariman. At the same time, he believes that His Lordship too is a human being, fallible as the Petitioner. The Petitioner believes that during the hearing of the Writ Petition on the issue of designation of Senior Advocates, which came to be listed before the Bench presided over by Hon'ble Shri Justice Rohinton F. Nariman, the institution of the Writ Petition on the issue of lawyers practicing in the same Court where their immediate relative is a Judge, probably may have non-consciously, subconsciously or unconsciously influenced or irked His Lordship. The Petitioner is not at all asserting so; it so appears to him in the sixth sense.
8. In the course of the hearing, in order to buttress his contention that lawyers who have put in active practice of more than 35 years and crossed the age of 62 years should be designated as Senior Advocates if at all the current system is to be continued, as is done in the case of retired High Court Judges—for, Bar and Bench constitute to be two wheels of the chariot of justice—the Petitioner sought to advance his arguments that all lawyers are entitled to equal respect and equal consideration. In the flow of the

arguments, although not premeditated, the Petitioner happened to say “Even Fali Nariman”. However, before the Petitioner could complete the sentence, Hon'ble Shri Justice Rohinton F. Nariman got infuriated and asked the Petitioner “Why did you take the name of Fali Nariman”. The Petitioner was so shocked and shaken and, in all humility, responded “Did I say so”. His Lordship then said “You did”. His Lordship went on to say that every lawyer in the Court will give affidavit to that effect. When the Petitioner asked some lawyers “Did I say so”, they answered in the affirmative.

9. The Petitioner immediately said sorry and tendered his apology to the Court. The Petitioner did not utter a word to put Shri. Fali Nariman in a bad light; on the other hand, the Petitioner had to say what he intended to say, namely, that even the doyen of the bar, Shri Fali Nariman, supports his plea that seniority of a lawyer has to be reckoned from the date of his enrolment. When the Petitioner further ventured to communicate what he had intended to say, His Lordship interrupted him. Yet, the Petitioner said what he wanted to say that he invoked the name of Shri Fali Nariman in support of his plea that the seniority of an Advocate has to be reckoned from the date of his enrolment and even Shri Fali Nariman had said so to the Petitioner a few years back. The Petitioner believes that this view of Shri Fali Nariman is very much in the public domain. His Lordship then cooled down to an extent and allowed the Petitioner to put forward his contentions, briefly as stated above, which he refrains from repeating for brevity. To put pithily, the

Petitioner was badly misunderstood. The Petitioner never intended or desired to quote respected Shri. Fali Nariman in poor light.

10. The Petitioner was extremely pained and felt humiliated by the treatment meted out to him. The Petitioner believes that he as a lawyer in the discharge of his sacred duty should be “fearless of the Judge, fearless of the society and fearless of his client who may stab him from behind”. Yet, to be completely fearless is a task which is difficult to be achieved even to the Petitioner who is known to be a fearless lawyer, an accolade which he doubts whether he deserves. Mustering courage, despite the humiliation he faced, the Petitioner quoted the Latin maxim “*lex citius tolerare vult privatum damnum quam publicum malum* - the law would rather tolerate a private injury than a public evil – and in all humility asserted that a lawyer enjoys the same privileges and immunity as a Judge; so too even the litigant, for, after all, Court means not merely the Judge, but the lawyer and the parties too.
11. After the initial outburst, His Lordship mellowed down. In retrospect, the Petitioner thanks the Almighty, for, he could retain his equanimity and address the Hon'ble Court on all issues which were raised in the Writ Petition and on the maintainability of the petition. He could also briefly address the Court on the distinction between the concepts of res judicata and stare decisis; why his petition is not barred by res judicata because the parties are different; so too stare decisis, although it cannot be a bar. Referring to

paragraphs 29 and 30 of the judgment in *Indira Jaising v. Supreme Court of India & Ors.*, (cited supra), the Petitioner argued that the core issue raised in the above Writ Petition, namely, the constitutionality or otherwise of Sections 16(2) and 23(5) of the Advocates Act, was not deliberated at all in the said judgment, for, Shri K.K. Venugopal, learned Attorney General for India, Ms. Indira Jaising, Shri R.S. Suri, learned Senior Counsel and President, SCBA, Shri C.U. Singh, learned Senior Counsel appearing for the Bar Association of India, Shri Annam D.N. Rao, learned counsel for the Supreme Court of India through the Secretary General, did not press for the declaration of Section 16 of the Act or the provisions of the Supreme Court Rules, 2013 as unconstitutional. In support of his proposition, the Petitioner did cite a few Latin maxims.

12. In short, but for the unfortunate incident as aforesaid, the hearing went on well and the case was adjourned for pronouncement of orders. The judgment was pronounced on 12/03/2019. The Petitioner was in Mumbai. He came to know from social media that he was convicted for contempt of Court and a notice has been ordered to him to hear him on the question of the punishment to be awarded. A true copy of the judgment dated 12/03/2019 passed by this Hon'ble Court in Writ Petition (Civil) No. 191 of 2019 is annexed herewith and marked as **ANNEXURE P-1 (PAGES 72 TO 104)**. The judgment runs into 33 pages. The Petitioner was convicted for contempt on the face of the Court. However, the judgment only deals with what had

transpired in the Court which supposedly constitutes contempt in the face of Court in paragraph 1 and 2 alone. It is only appropriate to extract the said paragraphs and the Petitioner begs to do so as infra: -

- “1. In the course of arguments in the present Writ Petition, Shri Mathews Nedumpara, learned counsel appearing on behalf of the Petitioners, alleged that Judges of the Court are wholly unfit to designate persons as Senior Advocates, as they only designate Judges’ relatives as Senior Advocates. On being asked whether such a designation should be granted as a matter of bounty, Shri Nedumpara took the name of Shri Fali S. Nariman. When cautioned by the Court, he took Shri Fali S. Nariman’s name again. Thereafter, on being questioned by the Court as to what the relevance of taking the name of Shri Fali S. Nariman was, he promptly denied having done so. It was only when others present in Court confirmed having heard him take the learned Senior Advocate’s name, that he attempted to justify the same, but failed to offer any adequate explanation.
2. We are of the view that the only reason for taking the learned Senior Advocate’s name, without there being any relevance to his name in the present case, is to browbeat the Court and embarrass one of us. Shri Nedumpara then proceeded to make various statements unrelated to the matter at hand. He stated that, “Your Lordships have enormous powers of contempt, and Tihar Jail is not so far.” He further submitted that

lawyers are like Judges and are immune from contempt, as they are protected by law. He also stated that there can be no defamation against a lawyer, as also there can be no contempt proceedings against a lawyer, as the same would impinge on the independence of lawyers, which they ought to enjoy to the fullest. All these statements directly affect the administration of justice, and is contempt in the face of the Court.”

13. What is stated in paragraphs 3 to 13 of the judgment has nothing to do with the hearing of the above case on 05/03/2019 and the alleged contempt in the face of the Court. The actual merit of the case is dealt with in paragraph 15 alone. Paragraph 14 contains a direction to circulate the judgment to the Chief Justice of every High Court in the country, the Bar Council of India, the Bar Council of Kerala, etc. Paragraphs 13 to 16, which alone have any relevance to the case on hand, are extracted below for ready reference: -

“13. Conduct of this kind deserves punishment which is severe. Though we could have punished Shri Nedumpara by this order itself, in the interest of justice, we issue notice to Shri Nedumpara as to the punishment to be imposed upon him for committing contempt in the face of the Court. Notice returnable within two weeks from today.

14. This judgment is to be circulated to the Chief Justice of every High Court in this country, the Bar Council of India, and the Bar Council of Kerala, through the Secretary General, within a period of four weeks from today.

15. Insofar as the Writ Petition is concerned, the Writ Petition, in essence, seeks a second review of our judgment reported in *Indira Jaising v. Supreme Court of India through Secretary General and Ors.*, (2017) 9 SCC 766. Even otherwise, it is settled law that an Article 32 petition does not lie against the judgment of this Court. We are also of the view that Section 16(2) of the Advocates Act, 1961 is a provision which cannot be said to be unconstitutional and the designation of Senior Advocate cannot be as a matter of bounty or as a matter of right.

16. For these reasons, the Writ Petition stands dismissed.”

14. Brevity is the soul of wit, said Shakespeare and brevity could be better achieved if the findings of the Court, which are incorrect, and the truth, both, are prepared in a tabular form as infra: -

Allegation/finding of Justice Nariman and Justice Saran arrived behind the Petitioner's back without even an oral notice to him and without hearing him	The truth
Judges of the Court are wholly unfit to designate persons as Senior Advocates, as they only designate Judges' relatives as Senior	Judges designating lawyers impinges the independence of the bar. The Petitioner's reference was to the appropriateness and desirability of the current system.

<p>Advocates. On being asked whether such a designation should be granted as a matter of bounty, Shri Nedumpara took the name of Shri Fali S. Nariman. (Paragraph 1)</p>	
<p>We are of the view that the only reason for taking the learned Senior Advocate's name, without there being any relevance to his name in the present case, is to browbeat the Court and embarrass one of us. (Para 2)</p>	<p>The Petitioner did, despite the interruption from the Court, submit that all that he wanted to say is that even Shri Fali Nariman supports his plea that seniority of an Advocate has to be reckoned from the date of his enrolment, and nothing else. The Petitioner firmly believes that he said so at least twice, but that is not recorded in the judgment.</p>
<p>He further submitted that lawyers are like Judges and are immune from contempt, as they are protected by law. He also stated that there can be no defamation against a lawyer, as also there can be no contempt proceedings against a</p>	<p>The Petitioner did cite a Latin maxim and submitted that lawyers ought to be free to argue the case fearlessly of the Judge and enjoys the same immunity in a judicial proceeding as Judges enjoy and went on to add that even parties and witnesses enjoy immunity which is imperative for</p>

<p>lawyer, as the same would impinge on the independence of lawyers, which they ought to enjoy to the fullest. (Para 2)</p>	<p>the just and fair administration of justice.</p> <p>The Petitioner does not believe that assertion of his sacred duty or right to represent the case of his client amounts to contempt in the face of the Court.</p>
<p>We have found that the vast majority of appearances by this Advocate before us have been in cases in which debtors have persistently defaulted, as a result of which their mortgaged properties have to be handed over to secured creditors to be sold in auction. (Para 3)</p>	<p>The Petitioner believes that it is his sacred duty to take up the cause of a client who may put him in conflict with even the interest of the State as Lord Brougham said, and not in judgment over his client.</p> <p>Going by the finding of the Court, a lawyer routinely appearing for an accused in murder or rape cases would be committing contempt.</p> <p>In the case of the Petitioner, a chunk of his clientele are slum dwellers, the homeless and the poor who are unable to afford a Senior Advocate and the service which the Petitioner and his juniors extend to them is pro bono. MSMEs are the backbone of India's economy and the</p>

	<p>largest constituents of banks and financial institution. While loans of business tycoons of thousands of crores are written off and settled for even 1 paise per hundred rupees, the MSMEs, the units and even residential homes are forcefully taken, even denying the benefit of the law.</p>
<p>Even otherwise, it is settled law that an Article 32 petition does not lie against the judgment of this Court.</p>	<p>Petitioner believes that judiciary comes within the ambit of Article 12 and if an order passed under Article 32 is violative of the fundamental rights and thus void in terms of Article 13(2), though no writ of certiorari will lie as against a coordinate Bench of this Hon'ble Court against another Bench, a declaratory remedy could be sought under Article 32. This Hon'ble Court has said so in A.R. Antulay v. R.S. Nayak, (1988) 2 SCC 602, Vishnu Agarwal vs. State of U.P. & Anr., [AIR 2011 SC 1232] and in Asit Kumar Kar vs.</p>

	<p>State of West Bengal &Ors., [2009(1) SCR 469], so also in Supreme Court Bar Association vs Union Of India & anr (1998) 4 SCC 409. The Petitioner certainly is conscious that his plea may not readily be accepted; yet he submits that the same is very tenable. There is no provision under the Constitution for a curative petition. The Petitioner believes that the source of power for a curative petition in terms of Rupa Ashok Hurra v. Ashok Hurra, (2002) 4 SCC 388, is Article 32 only.</p>
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PAST INCIDENTS CONCERNING THE PETITIONER WHICH HAS NOTHING TO DO WITH THE CONTEMPT IN THE FACE OF THE COURT FOR WHICH HE WAS CONVICTED

15. As aforesaid, what is stated in paragraphs 3 to 13 of the judgment have nothing to do with the alleged contempt for which the Petitioner has been convicted, condemned unheard, without notice to him, without a charge, without affording him an opportunity to defend himself and entirely behind his back. The Petitioner respectfully submits the due process requirements

were totally disregarded. Literally, the entire judgment delves upon certain past incidents which the Court, with utmost respect, researched and found out behind the back of the Petitioner. *Non refert quid notum sit judici, si notum non sit in forma judicii* – it matters not what is known to the Judge, if it be not known judicially. No Judge should import his private knowledge of the facts into a case – is a fundamental principle of law, namely, that a Judge only knows what is judicially known to him and not otherwise— a key principle of Common Law’s adversarial system.

16. If a Judge were to act upon materials which are not judicially known to him, but he knows about it from his personal knowledge or from information which he has collected all by himself, behind the back of the alleged contemnor, the Judge ceases to be a Judge, but has allowed himself to be a witness, a prosecutor and a Judge all at once. *Qui aliquid statuerit parte inaudita altera aequum liquid dixerit haud aequum secerit* – he who decides without the other side being heard, although he may have said what is right, will not have done what is right – is a fundamental principle of law. The instant is a classic example of the great injustice which could result if a Judge were to decide a case against an accused behind his back, without affording him/her any opportunity to contradict the materials which are relied upon against him/her, and thus be condemned unheard.
17. In the context of the Petitioner’s conviction by this Hon’ble Court for contempt in the face of the Court, the Petitioner begs to submit with utmost

respect that it was influenced by certain proceedings pending before the Bombay High Court against him. In that regard, the Petitioner begs to draw the attention of this Hon'ble Court that a Bench headed by Justice Mohit Shah, the then Chief Justice of the Bombay High Court, by judgment dated 20th June, 2013 issued a suo-motu notice for contempt of Court against the Petitioner. The allegation was that the Petitioner impersonated Hon'ble Shri. Justice S.J. Vazifdar, then a sitting Judge of the Bombay High Court, one of the most noblest and a living saint, by calling one Shri A.S. Tambe, a Bank Officer and client of Dr. Saraf, by uttering "I am Vazifdar here, Mathews is before me, ask your advocate to call me"; whereas the Petitioner had never made such a call at all, but it was the Bank Officer who had called him nine times, which included seven missed calls. In support of the said false allegation made by Dr. Saraf, the counsel for the Bank, Mr. A.S Tambe, the Assistant General Manager of Janakalyan Sahari Bank Ltd, filed an affidavit to that effect.

18. Many, who had an axe to grind against the Petitioner because he along with his colleagues and friends in the legal fraternity and a few public-spirited persons were campaigning against corruption and for transparency in all walks of life and in particular, the judiciary, were part of the conspiracy. The Petitioner is not elaborating for considerations of reticence. It would shock the conscience of this Hon'ble Court, and for that matter any right-thinking person, that the contempt of court proceedings was initiated even after

calling for the call records from the service providers, perusing the same and noticing that the Petitioner had not called Mr. Tambe, the client of Dr. Saraf at all, but it was he, namely Mr. Tambe who had called the Petitioner from his number 8108066202 on 4th of March, 2014 at 11:23:40 which lasted for 16 seconds and again on the same day, at 11:55:27 which lasted for 21 seconds. This is established by the Vodafone call data records which was submitted in the Bombay High Court in Writ Petition (Lodging) No.2772/2012 on 20th June, 2013 along with the affidavit sworn to by Changdeo Godse, Deputy Manager-Nodal Officer of Vodafone India Limited, Mumbai, in compliance of the order of the Bombay High Court. A true copy of the affidavit and the Vodafone call data records for 4th and 5th of March, 2013 produced in the Bombay High Court is annexed herewith and marked as **ANNEXURE P-2 (PAGES 105 TO 109)**.

19. The Petitioner repeats for re-emphasis that he did not call Shri Tambe at all. Again, to repeat for re-emphasis, it was Shri Tambe who had called the Petitioner nine times and spoke to him twice in response to an SMS which was repeatedly sent to him on 4th March 2013 at 11:20:14, 11:20:18, 11:20:20. The said SMS's read thus:

“Tambe/Rajak,

Since the Hon'ble CJ is not sitting, am moving the praecipe before DB of the Hon'ble Justice Vazifdar. Kindly treat this SMS as notice. I will tell so to the Hon'ble Court as well. When I am literally in the Court and has given

notice of NOM which am mentioning of which notice has been given to u, if u proceed to harass my client, then, that would constitute criminal contempt of HC.

Mathews J. Nedumpara”

20. Dr. Saraf's client, Shri A.S. Tambe, the Assistant General Manager of Janakalyan Sahari Bank Ltd., filed in the Bombay High Court an affidavit which he swore before Notary Public on 25th March, 2013. In paragraphs 6 and 9 thereof, he averred thus:

‘I was on leave on the said day. At about 11.22 am, I have received a phone call from a Mobile number viz: 9820535428. On receiving the said call, to my utter shock and surprise, the person calling informed me following: “I am Vazifdar hear (sic), Matthews is before me. Ask your Advocate to call me.”

“Though at the instructions of my advocate, I have attempted to procure the transcript from my mobile subscriber, I have been informed that unless there is a specific order obtained either from the Court or from the concerned authority, the same will not be made available to me”

21. In short, first Dr. Saraf made an oral allegation of impersonation as aforesaid against the Petitioner. When the Petitioner dared him to prove it or else apologize, Dr. Saraf made his client to swear a false affidavit so as to escape from the consequence of the false and malicious allegation of impersonation which he had made against the Petitioner. The allegations against the

Petitioner as above, to repeat and re-emphasis, were made without any proof at all. Neither a call record nor audio, absolutely nothing. It was an absolute concoction, an absolute fraud. The call which Tambe made to the Petitioner as per the call records was in response to the SMS send by the Petitioner to him as aforesaid.

22. The Petitioner in the light of the said false allegation of impersonation of Hon'ble Justice Vazifdar, requested for the call records from his service provider, Vodafone. The call records for 05.3.2013 reveal that he did not make any calls at all to anyone on the said day. On 04.3.2013, he made 9 calls of which four calls were made to his client, Sanjeev Tejawani on his mobile no. 9819846333. And one call each to Mrs. Rohini Amin (the Petitioner's associate) 9920477447; 9820291687 Sunil Pherwani (brother in-law of Tejawani); Adrian (a client of the Petitioner) 8898003388; Akash (son of the Petitioner's maid) 9029648281; Tejawani's driver 9920254733. This is as clear as crystal from the call records provided by Vodafone, which were interestingly made only after receiving the notice by SMS. The Petitioner does not like to be disturbed by incoming calls and does not make calls unless it is extremely urgent and unavoidable. He is accustomed to send SMS or messages through WhatsApp.
23. The Petitioner being told that the Bank officers had come to dispossess his client of his home, was left with no choice but to seek taking on board Writ Petition Lodging No. 2772/2012. It was in the above premise that the

Petitioner had to send the SMS, as aforesaid, to the Bank officer of the urgent interim protection which he intended to seek in favor of his client by seeking to take on Board the above case, which was not on the Board. Shri Tambe in his affidavit has alleged that he received a call from the Petitioner's number, namely, 9820535428 at 11:22 am. The itemized call records provided by Vodafone cellular, the Petitioner's service provider, disclose that the Petitioner has send SMS repeatedly to Shri Tambe at 11:20:14, 11:20:18, 11:20:20. The content of the said SMS has been quoted above. A copy of the itemized call records obtained by the Petitioner from Vodafone cellular is annexed herewith and marked as **ANNEXURE P-3 (PAGES 110 TO 114).**

24. Shri Vijesh Shinde, Nodal Officer of Idea Cellular Ltd. Mumbai, also produced before the Bombay High Court, the call records of 8108066202, namely, the mobile number of Shri Tambe, client of Dr. Saraf. It shows that Shri Tambe had called the Petitioner on 4th March 2013 at 11:23:40 and 11:25:56 and spoke to the Petitioner. The said calls lasted for 16 and 21 seconds, respectively. The call records further reveal that Shri Tambe had made around seven missed calls as well. Nothing could have been a greater falsity and perjury than the affidavit of Shri Tambe, the man who had called the Petitioner nine times (7 missed calls) and spoke to him twice though only for a few seconds, filing an affidavit alleging that the Petitioner had called him and impersonated Justice Vazifdar. It is evident that this was not done

by Shri Tambe all by himself to character assassinate the Petitioner. It was the diabolic design of Dr. Saraf and a few others whom the Petitioner refrains from naming for considerations of reticence, to liquidate him in all sense, professionally and otherwise, by all means. They have by this gross act scandalized the Petitioner so too the Hon'ble High Court of Judicature at Bombay, but for reasons unknown, no contempt was initiated against them.

25. The most outrageous fact is that a contempt of court notice was issued to the Petitioner in spite of the Petitioner repeatedly asserting in the crowded open court that he did not call at all, and that it was Shri Tambe who had called him repeatedly. And that is what was established by the call records which were before the court of which the Petitioner drew reference repeatedly and repeatedly. Yet, the Court refused to take notice of the fact that the call records absolutely and in unmistakable terms establish that Shri Tambe had made a false allegation of impersonation of a sitting Judge of the Bombay High Court by the Petitioner.
26. Instead of ascertaining from the call records whether the Petitioner had made any call at all to Shri Tambe, the Court initiated suo-motu contempt of court proceedings observing “the statements made in the affidavit of Mr. A. S. Tambe, if correct, would amount to criminal contempt on the part of the person who spoke from cell no. 9820535428 to Mr. A. S. Tambe” while the call records established that no call to Shri Tambe had originated from the Petitioner’s number. It was the Court’s duty to come into a definite finding

whether the Petitioner had called Shri Tambe from his cell number or not as the latter has alleged in his affidavit before passing any order. If the court came to a definite conclusion that the Petitioner had not called, which conclusion alone was possible in the light of the call records of Vodafone and Idea cellular services which was before it, the Bombay High Court was duty bound to proceed against Shri Tambe and Dr. Saraf for criminal contempt of court or to proceed against them under the IPC. Unbelievably, the Court instead issued notice to the Petitioner, a man the Court knew to be innocent from a perusal of the call records, for contempt of court.

27. The Petitioner does not think that there can be a parallel to the persecution and injustice to which the Petitioner has been subjected to as above. A true copy of the affidavit of Shri A. S. Tambe dated 25th March 2013 is annexed herewith and marked as **ANNEXURE P-4 (PAGES 115 TO 117)**. A true copy of the order dated 20th June, 2013 thereby initiating suo-motu contempt of court proceedings against the Petitioner is annexed herewith and marked as **ANNEXURE P-5 (PAGES 118 TO 124)**. The reason offered in the judgment was that the cell number is that of the Petitioner and there was “contact” between his cell phone and that of the Bank Officer.
28. Even if a layman were to be a Judge who was to adjudicate the said issue, the first thing he would have done is to look at the call records which was before him and ascertain whether the Petitioner had called the Bank Officer as alleged. Secondly, he would have appreciated that, there was no purpose

served in impersonation, against the backdrop of a crystal-clear SMS, which leaves no room for such impersonation. The principles of natural justice mandate that when reference was made about Shri Tambe and Dr. Saraf, which was absolutely necessary, they be arrayed as respondents. Accordingly, in the cause title, they are arraigned as respondents No. 3 & 4.

29. The injustice which the Petitioner suffered in the open Court in the presence of lawyers and the litigant public in large numbers, in this particular instance, so too, before a few other Benches, as an outstation lawyer leading a campaign for transparency and reforms, namely, NLC, which was then an organization of less than 50 lawyers, made the Petitioner untiringly prosecute the cause of video recording of proceedings in all courts and tribunals in the country so that the kind of suffering, injustice and persecution which the Petitioner was subjected to, no other lawyer will have the misfortune to undergo. The Petitioner is reminded of the words of Bal Gangadhar Tilak which he said during the course of his trial for treason as infra which is inscribed in the tablet outside Court Hall No.49 of the Bombay High Court. It reads thus:

“In spite of the verdict of the jury, I maintain that I am innocent. There are higher powers that rule the destinies of men and nations and it may be the will of the providence that the cause which I represent may prosper more by my suffering than by my remaining free.”

30. The Petitioner instituted a criminal complaint against Shri. Tambe and Dr. Saraf for fabrication, perjury, criminal conspiracy and defamation. The learned Addl. Chief Metropolitan Magistrate (37th Court), Mumbai, took cognizance of the same. A copy of the Complaint No.90/ MISC/2013 so instituted before the learned Magistrate is annexed herewith and marked as **ANNEXURE P-6 (PAGES 125 TO 138)**. A true copy of the order dated 9th October, 2015 passed by the learned Magistrate taking cognizance of an offence under Section 500 of the IPC on the complaint of the Petitioner and issuing process to Shri Tambe and Dr. Saraf is annexed herewith and marked as **ANNEXURE P-7 (PAGES 139)**.
31. Dr. Saraf, moved the Bombay High Court and obtained a stay of the criminal case against him. The framing of the Petitioner in this manner is known to the entire Bar and the Bench in Mumbai. The Officer had filed a false affidavit implicating the Petitioner at the instance of Dr. Saraf. Justice and fairness required that the person who filed such a false affidavit be proceeded against, but that did not happen. Instead, unbelievable though, notice was issued against the Petitioner for suo-motu contempt of Court. What the conspirators tried to do was liquidate the Petitioner professionally, for, the false allegation which they made was a venomous bite. The truth, however, will prevail ultimately, as the sun, moon and truth can never be hidden. The judgment dated 20th June, 2013 was used to paint the Petitioner as a man lacking character. However, the only comfort was that the truth

was known to most and story of the attempt to falsely frame the Petitioner became the talk of the Bar. The Petitioner thereafter filed Writ Petition No. 4216/2016 pleading that the learned Magistrate ought to have taken cognizance of all the offences alleged by the Petitioner in the criminal complaint and not merely of defamation.

32. The Petitioner instituted a transfer application bearing TP (Crl.) No. 422/2016 in the Supreme Court for transfer of both the Writ Petitions, namely, the one instituted by Dr. Saraf and the other instituted by the Petitioner, to some other High Court so that justice is not only done, but is manifestly and seemingly done. By order dated 05/01/2017 the Supreme Court dismissed the transfer petition, but made it clear that both the said writ petitions be heard together. A true copy of the order dated 05/01/2017 of the Supreme Court in Transfer application No. TP(Crl.)No.422/2016 is annexed herewith and marked as **ANNEXURE P-8 (PAGES 140)**. The said Writ Petitions are pending before the Hon'ble High Court of Bombay. So too, the suo-motu contempt of court proceedings initiated against the Petitioner and the criminal complaint alleging criminal conspiracy, perjury and defamation are pending before the Hon'ble High court of Bombay and the learned Addl. Chief Metropolitan Magistrate, Mumbai, respectively.
33. As aforesaid, the Supreme Court in convicting the Petitioner has entirely relied on past incidents involving the Petitioner, which occurred in the Bombay High Court and the Debts Recovery Tribunal, Mumbai, which were

still pending. In the three contempt of Court cases mentioned in the judgment, only notice has been issued and no formal charge is framed or any finding arrived at against the Petitioner. One has since been closed. To repeat for emphasis, the said proceedings are pending; sub judice. The criminal proceedings initiated against the Petitioner and his associates for allegedly disrupting the proceedings before DRT-I, Mumbai, is at the stage of discharge.

34. It is a fundamental principle that even conviction does not estop an accused as against the world from denying his guilt – so was held in a catena of judgments, namely, *Petrie v. Nuttal*, 1856 (11) Exch 569, 576; *Castrique v Imrie* (1870) LR 4 HL 414, 434; *Leyman v Latimer* (1878) 3 Ex D 352 CA, 354; *Ballantyne v Mackinnon* [1896] 2 QB 455 CA, 462 and the most celebrated being *Caione v. Palace Shipping Co.*, (1907) 1 KB 670 and *Hollington v Hewthorn & Co Ltd.*, [1943] 2 All ER 35. In *Hollington v Hewthorn & Co Ltd.*, it was held that conviction is no evidence of guilt, not even prima facie evidence. If even a conviction cannot be taken as evidence in any other proceedings, neither civil nor criminal, not even as prima facie evidence, because even a person convicted of an offence is not estopped from denying his guilt, then how could the Supreme Court convict the Petitioner for contempt in the face of the court merely based on the show cause notices issued against him by the Bombay High Court and that too entirely behind his back.

35. To repeat for emphasis, the proceedings are pending before the Bombay High Court and sub-judice. The proceedings which are pending adjudication against the Petitioner can by no stretch of imagination constitute to be any evidence against him. However, the Supreme Court referred to those proceedings against the Petitioner which have nothing to do with the contempt alleged against him, and that too without notice to him, without even an oral charge, without affording him any opportunity to explain his stand to find him guilty of contempt of Court in the face of the Court. Great injustice has been done to the Petitioner. This court is duty bound to undo the injustice done to the Petitioner *ex debito justicio*. It amounts to pre-judgment of the issues before the Hon'ble High Court of Bombay and the conviction of the Petitioner for contempt of Court drawing reference to the proceedings which are pending against him in the Bombay High Court will prejudice the interests of the Petitioner in the said proceedings.
36. It is wholly unnecessary for the Petitioner to offer any explanation regarding the various proceedings pending in the Courts at Mumbai and referred to in the judgment of this Hon'ble Court because those proceedings are wholly irrelevant in so far as the conviction of the Petitioner for Contempt in the face of the Supreme Court. Nonetheless, the Petitioner makes a brief reference to the said instances in a tabular form as infra:-

<u>Incident/proceeding referred to</u> <u>behind the back of Petitioner.</u>	<u>Petitioner's defense/view</u>
<p>SLP (Civil) No.26424 of 2018</p> <p>“It was the primary duty of the Petitioner to disclose all material facts to the Court before obtaining any order from the Court.”</p>	<p>The Petitioner only mentioned for listing of an application for modification. He did not get any order from the Court; he did not fail to disclose any material fact. Such a finding was arrived at and recorded without affording him an opportunity to explain his stand and thus in violation of the doctrine of audi alteram partem.</p>
<p>Criminal Suo Motu Contempt Petition No. 9 of 2012</p> <p>“No member of the Bar or Litigant can insist that the mentioning of matters or their listing should be at his or her convenience.”</p>	<p>The Petitioner's client was facing dispossession of his home during Ganesh Chaturthi Holidays and, therefore, was left with no option than to seek a listing of his case.</p>
<p>Order dated 20.06.2013 issuing suo-motu notice for criminal contempt against the Petitioner by</p>	<p>This has been dealt with elaborately in paragraph 12 to 33 of this petition.</p>

<p>the Bombay High Court in Notice of Motion (L) no. 175 of 2013 in Writ Petition (L) No. 2772 of 2012.</p> <p>The false case of impersonation of Hon'ble Shri. Justice S.J. Vazifdar by the Petitioner.</p>	
<p>Order dated 01.03.2014 passed by Bombay High Court in Company Petition No. 423 of 2010 (International Asset Reconstruction Company Pvt. Ltd. v. Phoenix Alchemy Pvt. Ltd.</p> <p>“... he was adamant and insisted on raising this issue of maintainability. He was addressing the Court in an aggressive, discourteous and offensive manner. This went on for quite a few minutes, during which time I was repeatedly requesting him to take his seat and await his turn. During this time, he was not</p>	<p>The Respondent secured creditor has initiated more than one procedure for recovery invoking different enactments.</p> <p>The Petitioner pleaded that the cause of action once subjected to adjudication merges with the judgment and decree of the Court and ceases to exist, and there can be no further adjudication of the very same subject. The Petitioner explained the concepts of transit in rem judicatam, estoppel per judicatam and election of procedure distinct from election of remedies, for, both are often misunderstood, and further the concept of election of rights, estates, relying upon the fundamental principle of law, namely,</p>

<p>even willing to listen to the Court and kept addressing the Court and making remarks that were most inappropriate and to the effect that he is not getting an opportunity of being heard and that he was used to ‘insults’ from the Court.”</p>	<p><i>nemo debet bis vexari pro uno et eadem causa</i> – “no individual should be sued more than once for the same cause”, <i>interest republic ut sit finis litium</i> – it is in the interest of the State that there be an end to litigation – and <i>res judicata pro veritate accipitur</i> – a matter which has been tried and adjudicated should be accepted as true.</p>
<p>Brian Castellino v. Official Liquidator of M/s. RTec Systems Pvt. Ltd., Official Liquidators Report No. 347 of 2014 in Company Petition No. 452 of 2010. Reference about a DRT Resolution.</p>	<p>This has nothing to do with the case in hand. It was not the Petitioner who was at fault or did anything wrong, but it was he who was wronged. The Petitioner moved an application under Order XX Rule 1(2) CPC for reviewing an order adjourning a batch of cases for pronouncement of orders where he was not heard on the maintainability of the SA instituted in the DRT, which was raised by the Respondents. In doing so, the Petitioner has only discharged his sacred</p>

	<p>duty vested in him by law. It was the Advocates for the Respondents, who were uncomfortable with an outstation lawyer who was able to make his presence felt in the DRT, Mumbai, who created ruckus and prevented him from arguing. The triggering factor were certain malpractices and corruption raised by the Petitioner.</p>
<p>Order dated 15.03.2017 in Writ Petition No. 2334 of 2013 (Lalita Mohan Tejwani v. Special Recovery Officer and Sales Officer, Jankalyan Sahakari Bank Ltd. and Ors).</p> <p>The Petitioner vehemently insisted that he be heard as the dominus litis.</p>	<p>The Petitioner being the dominus litis has a right of pre-audience and the question of the Respondent replying arises only thereafter and, therefore, the Petitioner insisted that he be allowed to address the Court first. The plea was not accepted.</p>
<p>The allegation was that the Petitioner sat in the last row in protest.</p>	<p>The truth is that he took a seat just one row behind from the podium</p>

<p>He walked out of the Court and did not return.</p>	<p>The Petitioner realized his mistake in leaving the Court; he came back and tendered his apology. There are certain reasons for which the Petitioner had strained relationship with Hon'ble Smt. Justice Manjula Chellur when Her Ladyship was the Chief Justice of the High Court of Kerala. It is not appropriate to delve into the same here and, therefore, is not ventured.</p>
<p>Order dated 05.03.2018 in Notice of Motion (L) No. 706 of 2017 in Commercial Suit No. 614 of 2017 (Anand Agarwal and Anr. v. Vilas Chandrakant Gaonkar and Ors.)</p> <p>Allegation was that "... it is only when the Defendant No. 1 wanted to wriggle out of his undertakings that he discharged his earlier Advocates who were aware of the</p>	<p>The Defendant, through the Petitioner, took the plea that Commercial Suits were not assigned to Hon'ble Shri. Justice S.J. Kathawalla and, therefore, His Lordship was a coram non judice; that His Lordship could not have heard the case in the Chamber and passed the order dated 12.05.2017 inasmuch as the Vacation work was assigned to another Judge.</p>

true and correct facts in the matter and instead briefed Mrs. Rohini Amin and Mr. Mathew Nedumpara to make the above Application, by suppressing facts,..."

"...Defendant No. 1 was conscious of the fact that all the allegations made by him are false and incorrect. He was well aware that his earlier Advocate will not be a party to his dishonest design of making allegations against the Court only because he was wanting to wriggle out of his undertakings recorded in the Order dated 12th May, 2017. He therefore, changed his Advocate and briefed Mr. Mathew Nedumpara to appear on his behalf ..."

VIOLATION OF PRINCIPLES OF NATURAL JUSTICE.

37. As aforesaid, this Hon'ble Court was pleased to hold the Petitioner guilty of contempt in the face of the Court. However, for doing so this Hon'ble Court has totally relied upon certain past incidents and unverified information involving the Petitioner, which is manifest from its judgment dated 12.03.2019. Even if it is to be assumed that the past incidents, which are only in the realm of allegations which are pending adjudication, are to be treated as gospel, then also the contempt of Court proceeding being quasi-criminal in nature, the principle of penal law namely that even a conviction will not estop the accused from denying his guilt, so too, that previous bad conduct or character is not a relevant fact will squarely apply in the instant case. For instance, Illustration (o) to Section 14 of the Indian Evidence Act provide thus:

“A is tried for murder of B by intentionally shooting him dead... The fact that A was in the habit of shooting at people with the intent to murder them, is irrelevant.”

38. Section 54 of the Evidence Act, which provides that in criminal proceedings the fact that the accused person has a bad character is irrelevant, is squarely applicable to the instant case.

39. The Supreme Court by its order dated 12.3.2019 convicted the Petitioner for contempt of Court without even an oral show cause notice, much less a charge, without affording any opportunity to be heard, even when,

unfortunate though, the legislature has not provided for an appeal, whilst, the Supreme Court has laid down that at least one right of appeal, both on facts and law, is an integral part of the right to life. It is impossible to conceive a greater injustice and violation of the fundamental rights than which the Petitioner has been subjected to by his conviction as aforesaid, even without an oral show cause notice. The Court has ordered notice to the Petitioner only to hear him on the punishment to be imposed for committing contempt in the face of the Court, while in doing so the Court has largely relied upon the past incidents concerning the Petitioner which are pending of which the Petitioner was afforded no opportunity to prove his innocence. The order dated 12.3.2019 is liable to be reviewed being one rendered void ab initio, still born, nay, never existed in the eye of law. Since this Court in **Re: Vijay Kurle (2021) 13 SCC 549** has been pleased to hold that a citizen convicted for contempt of court by this Court in its original jurisdiction, is entitled to an intra court appeal, the instant proceedings are instituted is annexed herewith and marked as **ANNEXURE P-9 (PAGES 141 TO 144)**.

40. The late Shri. Fali S Nariman, and father of Justice Rohinton F. Nariman, was Respondent No.1 in Writ Petition(C) No.2199/2019 instituted by the Petitioner along with other office bearers of the NLC in the Delhi High Court, seeking a declaration that Rule 6 of the Bar Council Rules which clarify that the expression 'Court' does not mean the entire Court, but only the court where the relative of the lawyer is the Judge. The said case was

filed on 01/03/2019 and notice thereof was served on the learned Senior counsel before Writ Petition No.191/2019 was listed for hearing on 5th of March, 2019. The Petitioner, in all humility and with utmost respect, believes that the Bench of Justice Rohinton Nariman ideally should not have heard the Petitioner's case. The Petitioner came to be convicted for contempt in the face of the Court for "taking the name of Shri. Fali S Nariman", learned Senior counsel, the undoubted doyen of the Bar, only because the Petitioner was misunderstood. As explained many times above and in the open court itself, the Petitioner's intention and attempt were only to pay accolades to the legend and to refer to his stand namely, that 'the only thing to be reckoned in the matter of designation as senior counsel is the seniority reckoned from the date of enrollment and nothing else.

41. By judgment and order dated 12th March, 2019, a Bench of this Hon'ble Court, consisting of Justice Rohinton F. Nariman and Justice Vineet Saran, convicted the Petitioner for contempt in the face of the Court, *in facie curiae*, for "taking the name of Shri Fali Nariman" in the course of the hearing of Writ Petition No. 191 of 2019 challenging Sections 16 and 23(5) of the Advocates Act, 1961 instituted by the National Lawyers' Campaign for Judicial Transparency and Reforms (NLC, for short). The Petitioner had taken the name of Shri Fali S. Nariman, the legend, to put across, nay, pay accolades to him, that the he too supports the Petitioner's plea that seniority of a lawyer for designation as a Senior Advocate has to be reckoned from

the date of his enrolment and nothing else. The Hon'ble Bench had no reason to feel 'embarrassed' (as noted by the Court) or offended in the Petitioner mentioning the name of Shri Fali Nariman, for, he did so in awe and respect for Shri Fali Nariman who was a living legend whose opinion in the matter of designation of a lawyer as a Senior Advocate is entirely in consonance with that of the Petitioner/NLC.

42. Justice Rohinton F. Nariman angrily responded when the Petitioner took the name of Shri Fali Nariman to plead/buttreass his argument that even Shri Fali Nariman is of the same opinion as that of the Petitioner that the only thing to be reckoned for considering the seniority of a lawyer is the date of his enrolment and nothing else. His Lordship did not allow the Petitioner to complete the sentence/submission, which made the Petitioner, who was shell-shocked, to say that he did not mean anything which is objectionable. Hon'ble Shri Justice Rohinton F. Nariman was pleased to point out that the Petitioner did mention the name of Shri Fali Nariman. The Petitioner then and there expressed his regret and sought the pardon of His Lordship and repeated twice that all that he wanted to say was that even Shri Fali Nariman is of the view that seniority of a lawyer has to be reckoned from the date of his enrolment and nothing else. The Petitioner was then allowed to argue the case further. On 5th March, 2019 the case was adjourned to 12th March, 2019 for pronouncement of orders.

43. On 12th March, 2019, while the Petitioner was in Mumbai he came to know that he was convicted by the Hon'ble Bench for contempt in the face of the Court, without even a proceeding being registered, without even an oral notice to him, without a charge, without he being told what is the allegation constituting the charge, without providing him the materials and evidence based on which the allegation is made, without an opportunity to contradict the materials and evidence appearing against him, without affording him an opportunity to adduce evidence in support of his defense, without a trial and without a hearing. The Petitioner was so convicted by referring to certain contempt of Court cases against him which are pending in the Hon'ble High Court of Judicature at Bombay, which are nothing but persecution of the worst kind. Since his conviction is based on proceedings which are pending in the Bombay High Court, which are nothing but his persecution, which is known to the whole world, the Petitioner moved an application for transfer of the further proceedings to another Bench inasmuch as in the order dated 12th March, 2019, by which he was convicted in his absence, without a proceeding being registered, without even an oral notice to him, without a charge, without he being told what is the allegation constituting the charge, without providing him the materials and evidence based on which the allegation is made, without an opportunity to contradict the materials and evidence appearing against him, without affording him an opportunity to adduce evidence in support of his defense, without a trial and without a

hearing and in gross violation of the first principle of natural justice, he was afforded an opportunity to be heard on the quantum of punishment to be awarded which, the Bench went on to observe, was not even necessary, but is being done “in the interests of justice”. The Petitioner craves leave of this Hon'ble Court to produce a copy of the application for transfer in the course of the hearing, the reason being that the averments in the transfer application and the documents relied upon therein are substantially the same as in the application for review of the order dated 12th March, 2019.

44. The Petitioner mentioned the matter seeking transfer of the above contempt of Court case to another Bench before the Hon'ble Chief Justice of India (CJI). The Hon'ble CJI was pleased to direct the Petitioner to file an application. An application seeking transfer of the case was accordingly instituted. After instituting the application, the Petitioner mentioned the same on 26th March, 2019 before the Hon'ble CJI and sought immediate orders thereon since the contempt of Court case was listed on 27th March, 2019 for hearing on the quantum of punishment. The Hon'ble CJI was pleased to direct the Registrar, who was present in the Court, to put up the application before His Lordship. However, the Petitioner remains in dark as to whether any order is passed by the Hon'ble CJI and, if yes, what was that order.
45. The contempt of Court case was listed on 27th March, 2019 before the Bench presided over by Hon'ble Shri Justice Rohinton F. Nariman. Though the

Petitioner in person and through his counsel pointed out that the Bench presided over by Hon'ble Shri Justice Rohinton F. Nariman is disqualified from hearing the case because in Writ Petition No.2599 of 2019 instituted by the Petitioner before the Delhi High Court, which was dismissed by judgment dated 6th March, 2019, Shri Fali Nariman, father Hon'ble Shri Justice Rohinton F. Nariman, is a Respondent. The Petitioner had arrayed Shri Fali Nariman as a party to the said petition as he thought that it was necessary to do so since in the said Writ Petition, the Petitioner, as the 1st Petitioner therein, had sought a declaration that the Explanation to Rule 6 of the Bar Council of India Rules, which states that the word “Court” does not mean the entire Court but only the particular Court where the relative of the lawyer is a Judge, is unconstitutional being violative of the concept of independence of the judiciary and the Bar. The Petitioner arrayed Shri Fali Nariman as a Respondent because he felt that the principles of natural justice require that those lawyers whose immediate relatives are Judges of the same Court where they practice will be adversely affected if the reliefs sought for in the said Writ Petition were to be granted.

46. The Petitioner also brought to the notice of the Hon'ble Court that its judgment dated 12th March, 2019 convicting the Petitioner for contempt in the face of the Court for taking the name of Shri Fali Nariman amounted to gross injustice inasmuch as the Petitioner even in the wildest of dreams could not have thought of anything which is objectionable, for, he holds Shri

Fali Nariman in the highest of esteem and respect; that he did not say anything which is objectionable; that he did not commit any contempt; and that he came to be convicted out of gross misunderstanding on the part of Hon'ble Shri Justice Rohinton Nariman of what he has said or intended to be said. He also brought to the notice of the Hon'ble Court that the order dated 12th March, 2019 is one rendered null and void, being in gross violation of the doctrine of *nemo debet esse judex in propria causa* or *nemo iudex in sua causa*; that Hon'ble Shri Justice Rohinton Nariman ought not to have heard the case, for, the principle that justice should not only be done, but should manifestly and undoubtedly be seen to be done requires His Lordship to have recused from hearing the case as His Lordship's father and the Petitioner are adversaries in Writ Petition No.2599 of 2019 before the Delhi High Court.

47. During the hearing of the case on 27th March, 2019, the Petitioner repeatedly brought to the notice of the Hon'ble Court that there can have no parallel in the legal history where a lawyer who is practicing before the Court is convicted for contempt of Court in his absence, without he being afforded an opportunity of hearing, not to speak of even a charge, in gross violation of the first principle of natural justice and that too by a Bench presided over by Justice Rohinton Nariman, the son of the legend Shri Fali Nariman, merely for taking the name of His Lordship's father to buttress his proposition that the seniority of a lawyer for designation as a Senior

Advocate has to be reckoned from the date of his enrolment and nothing else.

48. The counsel who represented the Petitioner in the afternoon session, for, he could not reach the Court in the forenoon hearing, also brought to the notice of the Court that it is in gross violation of the principles of natural justice for the Bench presided over by Hon'ble Shri Justice Rohinton Nariman to continue to hear the case because His Lordship is disqualified from hearing the case as the Petitioner and Shri Fali Nariman are adversaries in Writ Petition No.2599 of 2019 before the Delhi High Court wherein the Petitioner had challenged the appearance of Shri Fali Nariman in the Supreme Court even after elevation of his son as a Judge of the Supreme Court, as it is detrimental to the concept of impartiality and independence of the judiciary to permit immediate relatives of Judges to practice in the very same Court where their relative is a Judge.
49. The Petitioner also repeatedly brought to the notice of the Bench that the Petitioner has moved an application before the Hon'ble CJI, the master of the roster, for transfer of the above case to some other Bench, for, if the Bench presided over by Hon'ble Shri Justice Rohinton Nariman were to hear the case further on the question of quantum of punishment, where the conviction was entirely behind the back of the Petitioner, it would amount to gross violation of the concept that nobody shall be a Judge of his own cause, for, manifestly the contempt for which the Petitioner has been

convicted was all concerning about taking the name of Shri Fali Nariman, the father of His Lordship, whose continued practice in the Supreme Court where his son is a Judge is challenged before the Delhi High Court in the aforesaid Writ Petition.

50. It was also brought to the notice of the Hon'ble Court that the Petitioner has been raising the issue of the kith and kin practicing in the very same Court where their immediate relative is a Judge for the last many years. The Petitioner himself had produced at the Bar copy of a letter dated 5th January 2011 wherein he had raised the pernicious practice of lawyers practicing before the very same Court where their immediate relative is a Judge. A true copy of the letter dated 5th January, 2011 is annexed herewith and marked as **ANNEXURE P-10 (PAGES 145 TO 148)**.
51. The Petitioner also relied upon an open letter dated 08/08/2016 addressed to Shri Fali Nariman to invoke his conscience, for; the Petitioner considers that his continued appearance in the Supreme Court is not in consonance with the high standards of professional ethics. A true copy of the letter dated 08/08/2016 is annexed herewith and marked as **ANNEXURE P-11 (PAGES 149 TO 154)**.
52. The Bench presided over by Justice Rohinton F. Nariman, however, was pleased to decline the plea for recusal made by the Petitioner in the most courteous manner. The plea of his counsel that the case be adjourned by two weeks for the twin reasons, namely, (a) that he could not go through the

papers as he had just arrived from Mumbai and had little time to be briefed or study the case and (b) that Hon'ble Shri Justice Rohinton F. Nariman, at least going by the public perception, being angry over the Petitioner taking the name of His Lordship's father during the course of the hearing, coupled with the institution of the aforesaid Writ Petition in the Delhi High Court seeking a declaration that the Explanation to Rule 6 of the Bar Council of India Rules is unconstitutional wherein His Lordship's father, was also rejected. The Bench headed by Justice Rohinton F. Nariman was pleased to observe, curiously, that the application pending before the Hon'ble CJI for transfer of the case from His Lordship's Bench to some other Bench will not desist them from hearing the case on the question of determination of the punishment. His Lordship even went on to observe that since the above case is part-head, what is remaining is determination of the punishment and the application for transfer can have no relevance, in spite of it being brought to the notice of the Court that the Hon'ble CJI alone is the master of the roster and a case could be withdrawn from any Judge at any stage and allotted to another Judge, no matter, as in the instant case, what is left to be determined is the quantum of punishment.

53. The plea of the Petitioner all throughout has been that in instituting Writ Petition No.2599 of 2019 in the Delhi High Court challenging the validity of the Explanation to Rule 6 of the Bar Council of India Rules, he was motivated only by bona fide considerations, he being a lawyer with 35 years

of standing and crossed the age of 60 years; so too thousands of lawyers who are similarly placed, who consider that it is violative of their right to life and their right for equality before law and equal protection of law to be allowed to be treated as ‘juniors’, which is what Rule 6 of the Supreme Court of India Rules, 2013, constitute to be. The Petitioner and thousands of lawyers believe that the impartiality and independence of judiciary is of paramount importance and that the same cannot be achieved if lawyers are allowed to practice before the very same Court where their immediate relative is a Judge. Hon'ble Shri Justice Rohinton F. Nariman was pleased to take it as a personal attack. His Lordship asked the Petitioner in the open Court as to why he did not array the father of Hon'ble Shri Justice U.U. Lalit, who too practices in the Supreme Court, as a party in his Writ Petition before the Delhi High Court. It is manifest from this query that it was not about principle, but wholly personal. It is also manifest that His Lordship happened to misunderstand the Petitioner. As already stated, the Petitioner holds Shri Fali Nariman in the highest of esteem and regard; in his petition before the Delhi High Court too he has paid the greatest of attributes to him as a legend, which will be manifest from a reading of the said Writ Petition, a copy of which is annexed herewith and marked as **ANNEXURE P-12 (PAGES 155 TO 166)**. A copy of the judgment dated 6.3.2019 passed in Writ Petition (c) no. 2199 of 2019 passed by the Delhi High Court is annexed herewith and marked as **ANNEXURE P-13 (PAGES 167 TO 176)**.

54. In the course of the hearing, the Petitioner referred to the application for transfer filed by him by handing over a copy thereof across the Bar. He also pointed out that the incidents to which reference have been made in the order dated 12th March, 2019 are with respect to matters which are pending before the Bombay High Court. The Petitioner submits that even a conviction in a criminal case does not amount to be prima facie evidence and a convict, in law, is not estopped from pleading that he is innocent. In the instant case, the incidents, which are referred to in the order dated 12th March, 2019, are at the stage of mere notice. The Petitioner particularly drew the attention of the Hon'ble Court to the notice dated 20.06.2013 issued by the Bench headed by Shri Justice Mohit Shah, the then Chief Justice of the Bombay High Court, under the Contempt of Court Act for allegedly impersonating Shri Justice S.J. Vazifdar, then a Sitting Judge of the Bombay High Court. The Petitioner begs to state in brief the background of the same, as infra:-

1. During the hearing of a petition where the Petitioner's client was facing imminent dispossession of his residential home, Dr. Birendra Saraf, Advocate for the opposite side/secured creditor Bank, made a false accusation in the open Court of Shri Justice Mohit Shah, the then Chief Justice of the Bombay High Court, that the Petitioner had impersonated Justice Vazifdar by calling from his cell phone to his client Shri A.S. Tambe, a Bank Officer, by uttering "I am Vazifdar here, Mathews is before me, ask your advocate to call me"; while the

Petitioner did not at all make such a call, but it was the Bank Officer who had called him nine times, which included seven missed calls. In support of the false allegation made by Dr. Saraf as aforesaid, the Bank Officer filed an affidavit to that effect. Justice Mohit Shah, who had an axe to grind against the Petitioner who had complained to high constitutional functionaries about a broker by name Nandakumar claiming to be a conduit of Justice Mohit Shah, initiated contempt of Court proceedings against the Petitioner and that too after calling for the call records from the service providers, which revealed that the Petitioner had not called the client of Dr. Saraf but it was otherwise.

2. This was obviously a revengeful act, maliciously to damage the reputation of the Petitioner, for, it was reliably learnt that the said news was all likely to have been published in a prominent newspaper on the very next day under the caption “High Court issues contempt notice against Shri Nedumpara for impersonating Justice Vazifdar”. The reason offered in the Order dated 20 June 2013 passed by the Bench presided over by Shri Justice Mohit Shah was that the cell number is that of the Petitioner and there was “contact” between his cell phone and that of the Bank Officer, simultaneously failing to notice that there were contacts between the parties because Shri Tambe had called the Petitioner.

3. It would shock the conscience of this Hon'ble Court, and for that matter any right-thinking person, that the contempt of court proceeding was initiated even after calling for the call records from the service providers, perusing the same and noticing that the Petitioner had not called Mr. Tambe, the client of Dr. Saraf at all, but it was he, namely Mr. Tambe who had called the Petitioner from his number 8108066202 on 4th of March, 2014 at 11:23:40 which lasted for 16 seconds and again on the same day, at 11:55:27 which lasted for 21 seconds. This is established by the Vodafone call data records which were submitted in the Bombay High Court in Writ Petition (Lodging) No.2772 of 2012 on 20th June, 2013 along with the affidavit sworn to by Changdeo Godse, Deputy Manager-Nodal Officer of Vodafone India Limited, Mumbai, in compliance of the order of the Bombay High Court.
55. The manner in which the Petitioner has been falsely implicated of impersonation of an Hon'ble and a noble sitting Judge of the Bombay High Court will go down in the legal history of the country as the darkest event. The episode is too frightening; any scoundrel can call a lawyer and say that the latter has impersonated a Judge and he could be proceeded against.
56. The Petitioner went on to plead that Contempt of Court Case No.1 of 2013 on the files of the Bombay High Court based on a false affidavit, as aforesaid, amounted to persecution of an innocent person, the Petitioner, and

citing the said case against him constituted to be an attack on him at the hands of some unscrupulous lawyers. The Petitioner further brought to the notice of this Hon'ble Court that certain people, including some disgruntled lawyers, were not happy about the Petitioner, a rank outsider and a member of the Kerala Bar Council with no roots in Mumbai, being able to attract a large clientele in the DRTs, Mumbai, circulating a message on their WhatsApp group that when the Petitioner appears before DRT-I, Mumbai, on 19th May, 2014 where a large number of cases were listed and where he intended to seek re-opening of the hearing where the borrowers were not heard, he should not be allowed to argue and thus they had planned disruption of the proceedings before the DRT, but accused the Petitioner of having disrupted the proceeding. The Petitioner went on to further submit that this Hon'ble Court could not have convicted him based on the aforementioned incidents in the Bombay High Court and the DRT had he been heard and had an occasion to come to know the truth. The truth is that the Petitioner is absolutely innocent. The incidents of 19th May, 2014 in the DRT, the alleged impersonation and all other incidents about which a reference is made in the order dated 12th March, 2019 passed by this Hon'ble Court amounted to persecution of an innocent person, the Petitioner. However, the said pleas, the Petitioner is afraid to say, were not recorded by this Hon'ble Court in its order dated 27th March, 2019.

57. The Petitioner, as aforesaid, was convicted for contempt of court entirely behind his back. However, he was given an opportunity on the sentence to be imposed. He appeared in person and narrated in great detail that the Court did a great wrong in convicting him for contempt in the face of the Court for privately, and entirely behind his back, digging up materials by referring to contempt of court proceedings initiated against him in the Bombay High Court which are independent proceedings and which is nothing but falsehood and persecution. This Hon'ble Court, however, did not at all record the Petitioner's submissions despite repeated requests.
58. It is a travesty of justice that this Hon'ble Court, instead of recording the aforesaid cries of an innocent person being falsely implicated, chose to record them as ramblings. This Hon'ble Court further went on to sentence the Petitioner to undergo three months' imprisonment, which, however, was suspended in the light of his affidavit tendering apology, but he was banned from practicing in the Supreme Court for one year. A copy of the order dated 27th March, 2019, which is sought to be reviewed, is annexed herewith and marked as **ANNEXURE P-14 (PAGES 177 TO 199)**. Section 12 of the Contempt of Courts Act, 1971 prescribes the punishment for contempt of Court. The proviso to Section 12(1) of the said Act and the Explanation thereto state as follows:-
- “Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the court.

Explanation - An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.”

59. This Hon'ble Court did not reject the Petitioner's apology; it did not consider the apology to be lacking in bona fides; it did not find fault with it being a qualified one. Yet, the Petitioner was sentenced to imprisonment for three months, in addition to banning him from practicing in this Hon'ble Court for one year.
60. Under Article 129 of the Constitution, this Hon'ble Court is a Court of record invested with all the powers, including the power to commit for contempt of itself, a power which is inherent in all superior Courts of records. The Contempt of Court Act does not invest a jurisdiction on this Hon'ble Court to ban a lawyer from practicing before it, or for that matter before any Court. Power to impose penalties on a lawyer is vested in the State Bar Councils or the Bar Council of India. In banning the Petitioner from practicing before it for one year, this Hon'ble Court has acted in excess of its jurisdiction, for, it is a fundamental principle of jurisprudence that even a superior Court cannot confer a jurisdiction upon it by an erroneous decision as to its own jurisdiction [*A.R. Antulay v. R.S. Nayak*, (1988) 2 SCC 602].
61. The conviction of the Petitioner is without jurisdiction and thus null and void, it never ever existed in the eye of law, is stillborn and it has resulted in the violation of the fundamental rights of the Petitioner. Therefore, it is liable to be declared so by this Hon'ble Court in exercise of its jurisdiction

under Article 137 read with the Rules made under Articles 145 and 32 of the Constitution. *Sublato fundamento, cadit opus* – the foundation being removed, the structure falls. When the conviction is without any foundation in law and one in gross violation of the first principle of jurisprudence, namely, against the fundamental rights of the Petitioner guaranteed under Part III of the Constitution, the same is liable to be declared so and recalled by this Hon'ble Court in exercise of its jurisdiction under Article 137 read with the Rules made under Articles 145 and 32 of the Constitution. The power under Article 129 has to be read in consonance with Part III of the Constitution.

**MERITS OF THE CASE WHICH THE BENCH PRESIDED OVER
BY HON'BLE MR. JUSTICE ROHINTON NARIMAN FAILED TO
ADDRESS**

62. The principal prayer in Writ Petition No.191 of 2019 instituted by NLC was for, inter alia, a declaration that all lawyers who have crossed the age of 62 years and have been in active practice for more than 35 years, be designated as Senior Advocates, which will mean recognition of the talent and experience of thousands of lawyers practicing in the subordinate Courts who were never ever considered for designation and, still in the worst scenario, even if such a relief cannot be granted, then allow such lawyers to be addressed by others as Senior Advocates, as is the case in other professions like medicine, chartered accountancy, cost accountancy, etc., if the system

of designation, which the Petitioner alleges is bad and pernicious, if at all were to continue, since the Supreme Court in the recent past has designated about 25 retired High Court Judges as Senior Advocates; so also that Sections 16(2) and 23(5) of the Advocates Act, 1961 are in discrimination of the poor litigants qua the rich and the super-rich.

63. This Hon'ble Court was duty bound to decide the said issues on merits one way or the other since the said issues were not decided in *Indira Jaising v. Supreme Court of India & Ors.*, (2017) 9 SCC 766. The judgment in the said case constitutes no res judicata because the parties and the cause of action were different. It is a settled principle of law that even where parties and the cause of action are the same, if the *lis* is not decided on its merits and the cause of action, which is a disputable evidence, transforms itself into a judgment of a Court and merges with it, a process which, in jurisprudence, is known as *transit in rem judicatam*, namely, the cause of action changing its nature and status of a disputable evidence into a decree of a Court of uncontrollable verity, the doctrine of res judicata has no application. It was so held by a five-Judge Constitution Bench of this Hon'ble Court in *Daryao & Ors. v. State of U.P.*, AIR 1961 SC 1457. The Petitioner argued this aspect, but in its judgment dated 12th March, 2019 this argument has not at all been recorded, far from being dealt with one way or the other.
64. Contrary to the common perception or misconception, the Petitioner begs to submit with utmost humility and at the risk of his view being unacceptable

to many among the legal fraternity, that the Founding Fathers had conceived the Civil Court to be the Court of record with plenary jurisdiction which could embark upon an enquiry into any controversy under the sun, including the constitutionality of a statute. The Founding Fathers did not conceive the Supreme Court and the High Courts exercising jurisdiction under Articles 32 and 226 respectively to be substitutes of the Civil Court empowered to grant declaratory remedies. This Hon'ble Court said so in unmistakable terms as back as in *Charanjitlal Choudhary v. Union of India*, AIR (38) 1951 SC 41. Prior to the coming into force of the Constitution, the vires of a statutory provision or statutory instrument was amenable to challenge before a Civil Court. In 1942 the CPC was amended to incorporate Order XXVIA, which mandates that in a suit involving interpretation of the Government of India Act, the Court shall not proceed to determine that question until after notice has been given to the Attorney General for India if the question of law concerns the Central Government and to the Advocate General of the State if the question of law concerns a State (Provincial) Government.

65. Article 372 in express terms makes it clear that all laws in force in the territory of India immediately before the commencement of the Constitution shall continue to be the law of the land, subject to suitable laws to be enacted by the competent legislature. Therefore, on the date when the Constitution came into force, the Civil Court continued to be competent to adjudicate a case where vires of an Act of Parliament or statutory instrument is

challenged or involved interpretation of the Constitution. By A. O of 1950, the words “Government of India Act, 1935” were substituted by the words “the Constitution of India”. However, a proviso was added to the CPC by Act No. 24 of 1951 requiring the Civil Court to refer to the High Court for its adjudication a suit where validity of a constitutional provision is involved. The said amendment did not in any way alter the jurisdiction of the Bombay and Madras High Courts as Courts of original civil jurisdiction to adjudicate the validity of an Act of Parliament or statutory instrument as Courts of plenary jurisdiction. The Civil Court was empowered to interpret the Constitution and hold an Act of Parliament as unconstitutional where it is ultra vires the Constitution. The Civil Courts, therefore, are the true constitutional Courts empowered and duty bound to interpret the Constitution and even to declare an Act of Parliament or a statutory instrument to be void where it is ultra vires the Constitution.

66. The Supreme Court under Article 32 and the High Courts under Article 226 were only empowered to grant writs in the nature of the five writs named therein. If what the Petitioner considers to be the correct legal position as above, which remains to be res integra, having not so far been adjudicated one way or the other, the judgment as the one in *Indira Jaising v. Supreme Court of India & Ors.*, (2017) 9 SCC 766, could not have at all been rendered. The said judgment, in so far as it has framed guidelines in the matter of designation of lawyers as Senior Advocates, is in the realm of a

legislation; it is a judgment in rem inasmuch as it determines the status of a person or thing, which binds others; that it has jural relation to persons generally, not just parties and privies. It cannot be considered as a lis which is inter partes, but is one inter omnes. If the said judgment is one to be treated as inter omnes and the declaration therein not merely inter partes but in rem, then the said Writ Petition could only have been instituted in a representative capacity. Ms. Indira Jaising has no right to move a Writ Petition in a representative capacity. The poor litigants, the thousands of slum dwellers and homeless, for whose betterment the Campaign for Home for All and the Petitioner work for, have had no opportunity to partake in the adjudication of the Writ Petition filed by Ms. Indira Jaising. In short, Writ Petition No. 191/2019 instituted by the NLC and the Campaign for Home for All involves many larger issues. Unfortunately, this Hon'ble Court in its judgment dated 12th March, 2019 failed to consider the aforesaid and many other legal and factual issues having great ramifications.

**FAILURE TO OBSERVE THE MANDATE OF SECTION 14 OF THE
CONTEMPT OF COURT ACT**

67. *Nemo judex in sua causa* or *nemo debet esse judex in propria causa* - no one can be judge in his own cause – and *nemo potest esse simul actor et judex* – no one can be at once suitor and Judge – are fundamental principles of natural justice. Section 14(2) of the Contempt of Courts Act, 1971 embodies

the said principle. It is only profitable to extract the said Section for ready reference and the Petitioner begs to do so as infra:-

“14. Procedure where contempt is in the face of the Supreme Court or a High Court.

(2) Notwithstanding anything contained in sub-section (1), where a person charged with contempt under that sub-section applies, whether orally or in writing, to have the charge against him tried by some Judge other than the Judge or Judges in whose presence or hearing the offence is alleged to have been committed, and the court is of opinion that it is practicable to do so and that in the interests of proper administration of justice the application should be allowed, it shall cause the matter to be placed, together with a statement of the facts of the case, before the Chief Justice for such directions as he may think fit to issue as respects the trial thereof.”

68. Even going by the finding of this Hon'ble Court in its judgment dated 12th March, 2019, which does not constitute to be the true record of what had transpired in the Court, all that the Petitioner did was taking the name of Shri. Fali Nariman, Senior Advocate, and when questioned he denied having taken his name, which this Hon'ble Court found to be contemptuous. The Petitioner did not mention the name of Shri. Fali Nariman out of context, but to buttress his contention raised in the Writ Petition. That does not, the Petitioner begs to submit with utmost respect, constitute contempt in the face of the Court. Assuming that it does, which undoubtedly it does not, then

also the principle that no person ought to be Judge of his own cause mandates that the case should have been referred to the Hon'ble CJI for being considered by any other Bench of which Hon'ble S/Shri. Justices Rohinton F. Nariman and Vineet Saran are not members.

OBLIGATION TO RECUSE

69. The faith of the common man in the independence, impartiality and competence of Judges, in whom is vested the divine function of adjudication of disputes between citizen and citizen, citizen and State, State and citizen and between State and State, is the very core of our constitutional democracy. On 7th May, 1997, the Supreme Court of India in its Full Court Meeting adopted a Charter called the “Restatement of Values of Judicial Life” to serve as a guide to be observed by Judges, essential for an independent, strong and respected judiciary, indispensable in the impartial administration of justice. This Resolution was preceded by a draft statement circulated to all the High Courts of the country and suitably redrafted in the light of the suggestions received. It has been described as the ‘restatement of the pre-existing and universally accepted norms, guidelines and conventions’ observed by Judges. It is a complete code of the canons of judicial ethics and, among other things, states that “*Every Judge must at all times be conscious that he is under the public gaze and there should be no act or omission by him which is unbecoming of the high office he occupies and the public esteem in which that office is held.*” A true copy of the

Restatement of Values of Judicial Life adopted by the Supreme Court in Full Court meeting dated 7th May, 1997 is annexed herewith and marked as **ANNEXURE P-15 (PAGES 200 TO 202)**.

70. As was held in *A.R. Antulay v. R.S. Nayak*, (1988) 2 SCC 602, where a judgment of a Court or Tribunal, even of a superior Court as this Hon'ble Court, even of its Constitution Bench, is null and void and without jurisdiction, if it is in violation of the principles of natural justice. In the instant case, the Petitioner was convicted for contempt of Court in the face of the Court without even a proceeding being registered, without even an oral notice to him, without a charge, without he being told what is the allegation constituting the charge, without providing him the materials and evidence based on which the allegation is made, without an opportunity to contradict the materials and evidence appearing against him, without affording him an opportunity to adduce evidence in support of his defense, without a trial and without a hearing. The said order of conviction is, therefore, a nullity, one rendered void ab initio and the same is amenable to correction by way of a review, by way of an appeal where the statute provides for one and by way of a collateral proceeding, namely, a Writ Petition or a suit; so too by an application for recall. Accordingly, the Petitioner filed an application for recall of the judgment and order dated 12th March, 2019. The said application being the same as the application for

review, the Petitioner craves leave of this Hon'ble Court to produce a copy of the same during the course of the hearing.

71. The injustice to which the Petitioner has been subjected to has no parallel in the legal history. Though upon mentioning in the open Court of the Hon'ble CJI he was assured that appropriate orders will be passed on the application for transfer of Writ Petition No.191 of 2019, to the Petitioner's knowledge, no such orders has been passed. In view of the order dated 12th March, 2019 convicting the Petitioner for contempt in the face of the Court on the very next day, the said application has been rendered nugatory. The applications for review of the judgments and orders dated 12th and 27th of March, 2019 instituted by the Petitioner, the Petitioner could not pursue effectively due to covid and other compelling reasons. In the face of the above, namely, the constitutional remedies provided being rendered nugatory, the only hope for the Petitioner to secure justice is to invoke the jurisdiction of this Hon'ble Court under Article 32 of the Constitution for an intra-court appeal. Hence, the instant Writ Petition on the following, amongst other: -

GROUND

Grounds in support of the relief sought for are fairly elaborated in the statement of facts above and hence are not repeated. The Petitioner, however, begs to add that:

- (A) The judgments and orders dated 12th and 27th March, 2019 (Annexures P1 and P14 respectively hereto) passed by this Hon'ble Court convicting the

Petitioner for contempt in the face of the Court without even a proceeding being registered, without even an oral notice to him, without a charge, without he being told the allegation constituting the charge, without providing him the materials and evidence based on which the allegation is made, without an opportunity to contradict the materials and evidence appearing against him, without affording him an opportunity to adduce evidence in support of his defense, without a trial and without a hearing and sentencing him are ones rendered void ab initio, one which never ever existed in the eye of law, stillborn, and the same is liable to be declared so in a proceeding under Articles 137 and 32 of the Constitution;

- (B) Petitions under Article 137 of the Constitution in actual practice being reduced to a meaningless formality, they being heard in Chambers without any opportunity of hearing to the Review Petitioners to put across their case, the only avenue for correction of the gross injustice caused to the Petitioner is a petition under Article 32 of the Constitution;
- (C) The Supreme Court too is a State within the meaning of Article 12 of the Constitution. Article 13(2) expressly prohibits the State from making “any law which takes away or abridges the rights conferred by this Part” and any law made in contravention thereof shall, to the extent of the contravention, be void. The Supreme Court being a State under Article 12, the prohibition under Article 13(2) applies in equal force to its judgments as much as it confers to the laws enacted by the Parliament. If a constitutional amendment

could be declared as unconstitutional under Article 32, a judgment of this Hon'ble Court, which cannot claim any greater authority than a constitutional amendment, is also liable to be declared as unconstitutional if it is in violation of the fundamental rights. This Hon'ble Court has held so in *A.R. Antulay v. R.S. Nayak*, (1988) 2 SCC 602;

- (D) The judgment of the Nine-Judge Constitution Bench of this Hon'ble Court in *Naresh Shridhar Mirajkar v. State of Maharashtra*, AIR 1967 SC 1, has no application to the instant case because the only question which arose therein was whether a writ of certiorari will lie against the judgment of a coordinate Bench or of a superior Court, which was answered in the negative. The Petitioner herein is not seeking any writ at the hands of this Hon'ble Court in exercise of its jurisdiction under Article 32 as against the orders dated 12th and 27th March, 2019. The remedy which the Petitioner seeks by this petition is a declaration, which is distinct from the prerogative writs of certiorari, prohibition, mandamus etc.;
- (E) The judgments and orders dated 12th and 27th March, 2019 (Annexures P1 and P14 respectively hereto) passed by this Hon'ble Court are rendered void ab initio inasmuch as the Bench presided over by Justice Rohinton F. Nariman was disqualified from hearing the case because in Writ Petition No.2599 of 2019 instituted by the Petitioner before the Delhi High Court, wherein a declaration to the effect that the Explanation to Rule 6 of the Bar Council of India Rules is unconstitutional was sought, Shri Fali Nariman,

the father of Hon'ble Shri Justice Rohinton Nariman, was Respondent No.1; that the Petitioner and the legend Shri Fali Nariman were adversaries therein and, therefore, His Lordship Hon'ble Shri Justice Rohinton Nariman was a coram non judice and in so far as the judgments and orders are concerned His Lordship is disqualified by conflict of interest;

- (F) The instant Writ Petition under Article 32 is liable to be treated as an appeal inasmuch as for convicting and sentencing a party or lawyer before it for contempt in the face of the Court, as is done by the judgments and orders dated 12th and 27th March, 2019 (Annexures P1 and P14 respectively hereto), there exists no provision for correction of the injustice resulting therefrom. It is well settled that to err is human and Judges of the Supreme Court are not immune to infallibility and, therefore, a right to a full-fledged appeal, both on facts and in law, is liable to be read into the statute, particularly when the controversy is of a penal nature, as in the instant case;
- (G) The judgments and orders dated 12th and 27th March, 2019 (Annexures P1 and P14 respectively hereto) are in conflict with the judgment of this Hon'ble Court in *S.K. Sarkar v. Vinay Chandra Misra*, AIR 1981 SC 723 wherein it was held that framing a charge is mandatory. The judgment in *Leila David v. State of Maharashtra*, (2009) 4 SCC 578, relied upon in the judgment dated 12th March, 2019 of this Hon'ble Court has no application to the facts of the instant case because in that case the alleged contemnor was present in the Court; she did not dispute what she did, namely, throwing of a shoe at

the Judge, and she refused to apologize. This Hon'ble Court seriously erred in relying on the said judgment in convicting the Petitioner;

- (H) The power under Article 129 of the Constitution does not mean that the Supreme Court can act contrary to the provisions of the Contempt of Courts Act. Article 129 is a provision which is in the nature of a declaration as to the jurisdiction invested in this Hon'ble Court as a Court of record. Article 129 has to be read in consonance with the provisions of the Contempt of Courts Act. The Contempt of Courts Act does not empower this Hon'ble Court to convict a citizen in violation of Part III of the Constitution, without notice, without a charge, without a hearing etc., denying him legal aid. The Petitioner was entitled not only to be heard before he was convicted, but he was entitled to be represented by a lawyer. The conviction and sentence of the Petitioner can have no parallel in the legal history of the country or anywhere in the civilized world. The judgments and orders dated 12th and 27th March, 2019 (Annexures P1 and P14 respectively hereto) are, therefore, liable to be declared as void.

72. That the Petitioner in Person has not filed any other petition seeking similar reliefs in this Hon'ble Court or any other courts in India.

PRAYER

The Petitioner, therefore, most respectfully prays that this Hon'ble Court may graciously be pleased to:

- a) Issue an appropriate writ, order, direction or declaration, declaring that a person convicted for criminal contempt by this Hon'ble Court, including the Petitioner herein, would have a right to an intra-court appeal to be heard by a larger and different bench; and
- b) Issue an appropriate writ, order or direction, framing rules and guidelines providing for intra-court appeal against conviction in original criminal contempt cases as referred in prayer (a) above; and
- c) Declare that the judgments and orders dated 12th and 27th March, 2019 (Annexures P1 and P14 respectively hereto) passed by this Hon'ble Court are rendered null and void, being in gross violation of the fundamental doctrine of *audi alteram partem* inasmuch as the Petitioner was convicted for contempt of court entirely behind his back, without a notice, without a hearing, without a lawyer, in his absence, instituting a proceedings in chambers; and
- d) Declare that the judgments and orders dated 12th and 27th March, 2019 (Annexures P1 and P14 respectively hereto) passed by this Hon'ble Court are rendered null and void, being in gross violation of the doctrine of *nemo debet esse iudex in propria causa* or *nemo iudex in sua causa*; that Hon'ble Shri Justice Rohinton Nariman ought not to have heard the case, for, the principle that justice should not only be done, but should manifestly and undoubtedly be seen to be done requires His Lordship to have recused from hearing the case as His Lordship's father and the Petitioner were adversaries in Writ Petition No.2599 of 2019 before the Delhi High Court; and
- e) Declare that the judgments and orders dated 12th and 27th March, 2019 (Annexures P1 and P14 respectively hereto) passed by this Hon'ble Court are rendered null and void, being in gross violation of the principle of *Non*

refert quid notum sit judici, si notum non sit in forma judicii, namely, it matters not what is known to the Judge, if it be not known judicially, that no Judge should import his private knowledge of the facts into a case inasmuch as the Petitioner was convicted for contempt in the face of the Court relying on unrelated pending matters before the Bombay High Court; and

- f) Treat the instant Petition under Article 32 R/w 129 & 142 of Constitution as a Intra Court Appeal in terms of In Re: Vijay Kurle (2021) 13 SCC 549; and
- g) Direct the instant petition to be listed along with W.P. (C) No. 1053 of 2020;
- h) Pass such further and other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interests of justice.

INTERIM PRAYER

- a) Stay the operation of the orders dated 12.03.2019 and 27.03.2019 pending final disposal of the above writ petition (Annexures P1 and P14 respectively hereto);

AND FOR THIS ACT OF KINDNESS THE PETITIONER IN PERSON SHALL AS IN DUTY BOUND EVER PRAY.

Drawn & Filed by:



**MATHEWS J. NEDUMPARA
PETITIONER IN PERSON
MOB. 9820535428**

Drawn on: 28.04.2025
Place: New Delhi
Dated: 29.04.2025

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
WRIT PETITION (C) NO. OF 2025**

IN THE MATTER OF:

MATHEWS J. NEDUMPARA

PETITIONER

VERSUS

THE SUPREME COURT OF INDIA & ORS.

RESPONDENTS

AFFIDAVIT

I, Mathews J. Nedumpara, Advocate, R/o. Harbour Heights, "A" Wing, 12-F, Sassoon Docks, Colaba, Mumbai, Maharashtra-400005, Presently at New Delhi, do hereby solemnly affirm and declare as under –

1. That I am the Petitioner in Person in the accompanying Writ Petition and being so, I am well acquainted with the facts and circumstances of the instant case and thus duly competent to swear this Affidavit.

2. I say that the I have read and understood the contents of the Synopsis and List of Dates at Pages B to F and contents of Para 1 to 72 at Pages 1 to 69 of the Writ Petition and connected applications at Pages 203 to 206 and state that the facts mentioned therein are true to my knowledge and belief and information derived from the records of the case as per the legal advice received and believed by me. I say that the facts and circumstances stated in the Writ Petition and connected applications are true and correct.



[Handwritten signature in blue ink]

3. That the annexures filed along with this Writ Petition are true copies of their respective originals.
4. I say that the averments of facts stated herein above are true to my knowledge and no part of it is false and nothing material has been concealed there from.



DEPONENT

VERIFICATION

I the above-named deponent affirms that the contents of Para 1 to 4 of this affidavit are true and correct to best of my knowledge and belief and no part of it is false and nothing material has been concealed there from.

Verified at New Delhi on this the 29th day of April, 2025.



IDENTIFIED BY



DEPONENT



ATTESTED
NOTARY PUBLIC
DELHI

29 APR 2025

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO. 191 OF 2019

NATIONAL LAWYERS CAMPAIGN
FOR JUDICIAL TRANSPARENCY AND
REFORMS & ORS.

...Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

...Respondent(s)

1. In the course of arguments in the present Writ Petition, Shri Mathews Nedumpara, learned counsel appearing on behalf of the petitioners, alleged that Judges of the Court are wholly unfit to designate persons as Senior Advocates, as they only designate Judges' relatives as Senior Advocates. On being asked whether such a designation should be granted as a matter of bounty, Shri Nedumpara took the name of Shri Fali S. Nariman. When cautioned by the Court, he took Shri Fali S. Nariman's name again. Thereafter, on being questioned by the Court as to what the relevance of taking the name of Shri Fali S. Nariman was, he promptly denied having done so.

It was only when others present in Court confirmed having heard him take the learned Senior Advocate's name, that he attempted to justify the same, but failed to offer any adequate explanation.

2. We are of the view that the only reason for taking the learned Senior Advocate's name, without there being any relevance to his name in the present case, is to browbeat the Court and embarrass one of us. Shri Nedumpara then proceeded to make various statements unrelated to the matter at hand. He stated that, "Your Lordships have enormous powers of contempt, and Tihar Jail is not so far." He further submitted that lawyers are like Judges and are immune from contempt, as they are protected by law. He also stated that there can be no defamation against a lawyer, as also there can be no contempt proceedings against a lawyer, as the same would impinge on the independence of lawyers, which they ought to enjoy to the fullest. All these statements directly affect the administration of justice, and is contempt in the face of the Court.

3. This is not the first time that this particular advocate has attempted to browbeat and insult Judges of this Court. In point of fact, the style of this particular advocate is to go on arguing, quoting Latin maxims, and when he finds that the Court is not with him, starts

becoming abusive. We also find that this advocate is briefed to appear in hopeless cases and attempts, by browbeating the Court, to get discretionary orders, which no Court is otherwise prepared to give. We have found that the vast majority of appearances by this advocate before us have been in cases in which debtors have persistently defaulted, as a result of which their mortgaged properties have to be handed over to secured creditors to be sold in auction. It is at this stage that Shri Nedumpara is briefed to somehow put off the auction sale. Even the present Writ Petition is a case in which a review petition against the judgment of this Court in *Indira Jaising v. Supreme Court of India*, (2017) 9 SCC 766 has already been dismissed. With full knowledge that a second review petition is barred by Order XLVII Rule 5 of the Supreme Court Rules, 2013, Shri Nedumpara seeks a second review in the form of a writ petition filed under Article 32 of the Constitution of India. Quite apart from this, the said advocate has already indulged in conduct unbecoming of an advocate, which has been noticed by an order dated 19.11.2018 in Special Leave Petition (Civil) No.26424 of 2018, which is set out hereinbelow:

“O R D E R

1. I.A. Nos. 163019 of 2018, 163020 of 2018 and 164145 of 2018 in S.L.P. (C) No. 26424 of 2018 are dismissed.

Shri Mathews Nedumpara, Advocate for the Petitioner, appeared before us on 22nd October, 2018. He stated that Rs.80 lakhs would be paid within a period of four weeks from 22nd October, 2018. The Court granted him a period of one week from 22nd October, 2018 to make the necessary payment. The order clearly stated:

“If the aforesaid payment is not made within one week, the special leave petition shall be dismissed without further reference to this Court.”

2. No such payment was made within the period of one week and hence, the special leave petition stood dismissed without further reference to this Court. However, on 14th November, 2018, Shri Nedumpara, appearing with an AOR, mentioned the same matter before us without informing us that the S.L.P. had already stood dismissed without reference to this Court. By suppressing the order dated 22nd October, 2018, Shri Nedumpara obtained an order from this very Bench on 14th November, 2018 stating:

“List on Monday, the 19th November, 2018 along with IA No. 163019/2018 - Application for Modification of Order and IA No. 163020/2018 - Application for Direction.”

3. When the matter was listed before us today, we repeatedly asked Shri Nedumpara, why he did not disclose to us the order dated 22nd October, 2018 when the matter was mentioned before us on 14th November, 2018. To this, there was no answer. We then warned Shri Nedumpara that as a counsel appearing before the Court, his primary duty is to disclose all material facts to the Court before obtaining any order from the Court. We have warned him that such unbecoming conduct of an advocate who appears before this Court, will be sternly dealt with should any future incident of a like nature arise before this Court. We were inclined to impose heavy costs but have not done so only because the appellant,

for whom Shri Nedumpara appears, already appears to be in dire straits financially.”

4. We also find that Shri Nedumpara has misconducted himself repeatedly before the Debt Recovery Tribunal, Bombay and before the Bombay High Court. This is reflected in certain orders passed by the Bombay High Court. Thus, in *High Court on its own Motion v. Nedumpara Mathews*, Criminal Suo Motu Contempt Petition No. 9 of 2012, an order dated 18.09.2012 recorded:

“1. Mr. Mathews has disrupted the proceedings of the Court and refused to conclude, insisting that the Court is a servant of justice and is bound to hear him. No member of the Bar or Litigant can insist that the mentioning of matters or their listing should be at his or her convenience. Mr. Mathews is habituated to being disruptive in Court. Several Benches of this Court have directed the Registry not to list his matters before those Benches. Today, despite efforts to make him see reason, Mr. Mathews has persisted in disrupting the proceedings, preventing matters from being called out. Before we passed this order, which we do with extreme circumspection, we have put Mr. Mathews on notice that should he continue to disrupt the proceedings of the Court, the Court would have no option but to issue a notice to show cause under the provisions of the Contempt of Courts Act, 1971. Unfortunately, there has been no change in his behaviour.

2. If any member of the Bar or the litigating public is allowed to compel the Court to take up a matter at his own convenience, the orderly functioning of the Court will be seriously affected. Mr. Mathews has persisted in

disrupting the proceedings and has not heeded to being counselled.

3. In the circumstances, the registry is directed to issue a notice to show cause to Mr. Nedumpara Mathews, Advocate calling upon him to state as to why proceedings should not be adopted against him under the Contempt of Courts Act, 1971. The hearing of the notice shall be placed before the appropriate Bench in accordance with the assignment of work.”

In *Lalita Mohan Tejwani v. Special Recovery Officer*, Notice of Motion (L) no. 175 of 2013 in Writ Petition (L) No. 2772 of 2012, by order dated 20.06.2013, a *suo motu* notice for criminal contempt was issued by a Division Bench of the Bombay High Court, stating as follows:

“**5.** When the present Notice of Motion was called out on 8 May 2013, the learned Counsel appearing for the Authorized Officer of Jankalyan Sahakari Bank Ltd., (the Respondent No. 2 herein) tendered an Affidavit dated 25 March 2013 of Mr. A. S. Tambe, Assistant General Manager of Janakalyan Sahakari Bank Ltd., which indicates that a person posing himself as a Sitting Judge of this Court spoke to Mr. A. S. Tambe from a mobile phone which is traced to be that of Mr. Mathews J. Nedumpara.”

xxx xxx xxx

“**8.** It is submitted that the affidavit states that Mr. Tambe had a conversation with a person having Mobile Number viz: 9820535428 and the person at the other end told him that, “I am (name of a sitting Judge of this Court) here, Matthews is before me. Ask your Advocate to call me.” The affidavit of Tambe, further states that the said mobile belongs to the firm of Advocates – M/s.

Nedumpara and Nedumpara, who appear for the Petitioner.

9. In view of the above affidavit, on 13 June 2013 after hearing the parties, this Court directed the service providers – Vodafone Ltd. and Idea Cellular Ltd. to place on record the call details of three cell numbers – 9820535428, 9819846333 and 8108066202 for 4 March 2013 and 5 March 2013. This information was necessary to determine whether there is any element of truth in the allegations made in the affidavit dated 25 March 2013 of Mr. Tambe.

10. Today, affidavits have been filed on behalf of the said service providers, placing on record the call details. Copies of the affidavits filed by the service providers are also served upon Advocate Mr. Nedumpara in Court. We also directed the service of a copy of the affidavit of Mr. A. S. Tambe dated 25 March 2013 which was kept in a sealed cover, upon Advocate Mr. Mathews J. Nedumpara and the same was done in our presence. On perusal of the call records, we find that there has been contact between the above three mobile cell numbers.

11. As per the affidavit filed on behalf of Vodafone (India) Ltd. the number 9820535428 is subscribed in the name of Mr. Mathews J. Nedumpara and mobile number 9819846333 is of Mr. Sanjeev Mohan Tejawani, who is son of the Petitioner. While as per the affidavit filed on behalf of Idea Cellular Ltd., the mobile number 8108066202 is subscribed in the name of Mr. Sanjay V. Kale address at Jankalyan Sahakari Bank Ltd. Chembur, Mumbai 400 071. Learned Counsel for Respondent-Bank states that mobile no. 8108066202 is presently being used by Mr. A. S. Tambe, Assistant General Manager of the Respondent Bank. Advocate Mr. Mathews J. Nedumpara admits that the mobile no. 9820535428 is his own mobile number.

12. In view of the contents of the affidavits of service providers, it appears that the statements made in the affidavit of Mr. A. S. Tambe if correct, would amount to

criminal contempt on the part of the person who spoke from cell no. 9820535428 to Mr. A. S. Tambe. As per the record of Vodafone, the said cell number is of Advocate Mr. Mathews J. Nedumpara and Mr. Mathews J. Nedumpara admits that it is his mobile number. In view of the above, it appears that this is a fit case for initiating *Suo Motu* proceedings under the Contempt of Courts Act, 1971 and Advocate Mr. Mathews J. Nedumpara be joined as respondent No. 1 and State of Maharashtra as respondent No. 2 in the *Suo Motu* Contempt Proceedings.

13. The Registry to issue notice to Mr. Mathews J. Nedumpara to show cause why appropriate action should not be taken against him for Criminal Contempt as defined in the Contempt of Courts Act, 1971. Since, this Court is only issuing a notice and not issuing a rule at this stage, no further observations are called for.”

In *International Asset Reconstruction Company Pvt. Ltd. v. Phoenix Alchemy Pvt. Ltd.*, Company Petition No. 423 of 2010, by an order dated 01.03.2014, the Bombay High Court devoted several paragraphs under the caption “*The Conduct of Mr. Mathews Nedumpara, Advocate for the ex-Directors*”. Excerpts under this sub-head read as follows:

“58. When I told Mr. Nedumpara that he would have his turn to argue after the Advocate for the Official Liquidator, he was adamant and insisted on raising this issue of maintainability. He was addressing the Court in an aggressive, discourteous and offensive manner. This went on for quite a few minutes, during which time I was repeatedly requesting him to take his seat and await his turn. During this time, he was not even willing to listen to

the Court and kept addressing the Court and making remarks that were most inappropriate and to the effect that he is not getting an opportunity of being heard and that he was used to 'insults' from the Court.

59. It was clear to me that this was nothing but a stalling tactic to ensure that the matter on the Official Liquidators Report does not proceed. All through these initial few minutes his demeanour was loud, brash and disrespectful. The Court was crowded and it was almost as if Mr. Nedumpara was playing to the galleries, as much of what he was saying had little to do with the matter or for that matter his point of maintainability."

xxx xxx xxx

"62. Finally, when Mr. Nedumpara was asked to address the Court in response to the Official Liquidators Report, he insisted on addressing the Court only on the issue of maintainability of a Petition at the instance of Secured Creditors who had adopted (or as he put it "elected") other remedies. Even during this part of the hearing, Mr. Nedumpara was extremely disrespectful and offensive in the manner in which he addressed the Court. Just because the Court wanted him to address it on the Official Liquidators Report, he repeatedly said how he is not being heard. His tone and tenor was accusatory, often times breaking into Latin Maxims in the context of his most improper suggestion that he is not being heard or that he was being treated unfairly.

63. This went on again for quite a few minutes during which time he resolutely refused to address even a single query from the Court or address the Court on the merits of the matter/Official Liquidator's Report that was before the Court.

64. Mr. Nedumpara's demeanour was obstructive and to my mind intended to interfere with the administration of justice and lower the dignity and authority of the Court. In a situation such as this, in my opinion, the Court would have been entitled to take note of the conduct of Mr. Nedumpara as contempt in the face of the Court and

deal with it summarily and immediately or to direct the issuance of a Show Cause Notice to treat it as 'criminal contempt' under the Contempt of Courts Act, 1971, read with the Rules framed thereunder."

xxx xxx xxx

"69. These judgments establish that conduct of Advocates, such as has been described by me in the foregoing paragraphs of the Order, can constitute sufficient reason to issue Show Cause Notice for criminal contempt or to be dealt with immediately and summarily as contempt committed in the face of the Court.

70. Having said that, in this case I have done neither. Let this Order be a strict and final warning to Mr. Mathew Nedumpara that the Court will not tolerate this conduct and if such conduct is repeated in the future, the Court may be constrained to act."

5. As a sequel to this order, Shri Nedumpara filed an application in which he requested that the aforesaid Single Judge of the Bombay High Court should recuse himself from hearing matters in which Advocate Nedumpara appears for one of the parties. This application was dealt with by an order dated 23.12.2014 in *Brian Castellino v. Official Liquidator of M/s. RTec Systems Pvt. Ltd.*, Official Liquidators Report No. 347 of 2014 in Company Petition No. 452 of 2010. In the course of submissions made before the learned Single Judge, a compilation was submitted by one of the learned counsel. This is reflected in paragraph 13 of the said order as follows:

“13. Mr. Kapadia has submitted a compilation, inter alia, containing (i) orders passed by the Single Judges and Division Benches of this Court setting out the conduct of Advocate Nedumpara in the matters that he appears, (ii) resolutions passed by the Debt Recovery Tribunal, Mumbai, resolving not to take up any matters where Advocate Nedumpara and/or his Juniors appear and (iii) criminal complaints filed against Advocate Nedumpara by the Debt Recovery Tribunal, Mumbai for serious offences. Mr. Kapadia has from the said compilation of documents/orders pointed out as follows:

(i) That three of the Division Benches and three Single Judges of this Court have recused themselves in matters where Advocate Nedumpara has appeared.

(ii) The Division Bench comprising of A.H. Joshi and M.L. Tahaliyani, JJ. has whilst recusing itself vide order dated 22nd May, 2013 in Writ Petition (L) No. 1272 of 2013 recorded the conduct of Advocate Nedumpara and his client as follows:

“1. An affidavit in answer to query put by the Court is filed.

2. In the affidavit the Petitioner has used language as his Advocate’s opinion, expressing impropriety on the part of court in putting questions to the petitioner. The language exhibits total lack of etiquettes of drafting and lack of respect to the court akin to insinuation.

3. Since the litigant and counsel do not respect the court and express anguish with discourteous language, it is considered necessary that this bench should not hear this case. Hence we recuse.

4. Liberty to move before the appropriate court.”

(iii) That by an order dated 18th September, 2012, a Single Judge of this Court has issued suo motu criminal contempt notices against Advocate Nedumpara.

(iv) That by an order dated 20th June, 2013, a Division Bench of this Court have issued suo motu criminal contempt notices against Advocate Nedumpara.

(v) That by an order dated 9th April, 2014, passed by a Division Bench of this Court it has been observed that Advocate Nedumpara has made reckless, irresponsible and contemptuous allegations against the Bench and the opponents. After recording an apology of Advocate Nedumpara which is noted as 'belated', the Division Bench has expressed in paragraph 13 that a message goes to all advocates including M/s. Nedumpara & Nedumpara so that in future, this Court has no occasion to observe anything or initiate any proceedings. Mr. Kapadia submitted that the aforesaid observations are in the context of an attempt on the part of the juniors of Advocate Nedumpara to approach one of the members of the Bench at his residence and the apologies were for addressing a letter thereafter to the Hon'ble Chief Justice making allegations against the learned Judge who refused to give a hearing to the juniors at his residence.

(vi) That by an order dated 1st October, 2014, a Division Bench of this Court rejected the request for recusal made by Advocate Nedumpara.

(vii) That Advocate Nedumpara addressed letters to the President of India, Vice President of India, Prime Minister of India, Home Minister of India, Chief Minister of Maharashtra, Minister for law and justice, Leader of Opposition, etc. making wild, baseless, contemptuous allegations against the Constitutional functionaries of this Court.

(viii) That a Resolution dated 19th May, 2014 was passed by all three learned Presiding Officers of the Debts Recovery Tribunal, Mumbai (DRT) resolving that no matters of Advocate Nedumpara or his juniors be listed before them. The Resolution is reproduced hereunder:

"A very unfortunate and shocking situation has been created today by Advocate Mr. Mathews J. Nedumpara along with his juniors Mr.

Navneet Krishnan, Mr. Nishant, Ms. Rohini and alleged clients in the open Court Hall of DRT I, II, III and that to the extent that the smooth functioning of the Tribunal has come to halt and justice delivery system has got obstructed. They have willingly and intentionally created this scenario in the open court with ulterior motive. The dignity and trust of the Tribunal has been lowered down and all the Officers and staff of the Tribunal has been offended. Presiding Officers of the Tribunals have to retire to their chambers and complaint has also been lodged with the police by the Presiding Officer of DRT I, Mumbai in this regard. We are apprehending that this kind of bad and turbulent situation may again take place and working of the Tribunals may be disturbed. Considering the dimension and seriousness of the situation we all felt that this situation may be averted by taking Resolution that we should not take up the matters in which the aforesaid Advocates are engaged. The litigants may engage other lawyers in the cases in which the above Advocates are engaged. Meanwhile the Registry is directed to shortlist the cases in which the above said lawyers are engaged and not to place their cases before the Tribunal. This Resolution be notified for information.

Copy of this Resolution is also transmitted to Hon'ble Chairperson, DRAT Mumbai for necessary information and needful.

Dated this 19th May, 2014".

(ix) That a complaint has been filed by the DRT, Mumbai, alleging criminal offences committed by Advocate Nedumpara."

A reading of this paragraph leaves no manner of doubt that Shri Nedumpara is in the habit of terrorising Tribunal members and using intemperate language to achieve his ends before several Judges of the Bombay High Court. The order dated 23.12.2014 then went on to state:

“33. In present times, a huge number of disputes are brought before the Courts for adjudication. The monetary stakes involved in the matters are also very substantial. In other cases, personal status of parties is involved, and these matters are invariably emotionally charged. The demands of the litigants over their Advocates have seemingly increased. Many dishonest/ desperate litigants along with some lawyers, who are not as honest as they are expected to be, leave no stone unturned to avoid a Judge that they perceive to be inconvenient or unfavourable or to obfuscate issues or to delay the proceedings and frustrate the course of justice. To achieve this end, they attempt to criticize judges, cast uncalled for aspersions on Judges with the intention that the Judge so attacked will give up the matter. A judge who is showered with criticisms and insinuations, though baseless, may be inclined to recuse himself so as to stay out of harm's way of the baseless suspicion or allegation or to avoid being unpopular or to just avoid taking over the burden of a matter which is intentionally made heavier by litigants and/or their Advocates. However, as held by the Hon'ble Supreme Court in *Subrata Roy's* case (supra), a Judge who prefers the recusal route despite knowing that the criticisms/insinuations made against him are baseless, would not be true to his oath of dispensing justice without fear or favour. In my view, a Judge would be failing in his duty if he endeavours to become popular amongst the members of the bar or members of the public by avoiding difficult situations or following the route of appeasement. A Judge accepts

judgeship to dispense justice without fear or favour and not to attain popularity of any kind. Again, he will not be true to his oath if he feels that it is convenient to recuse himself from a matter rather than facing a lawyer or a litigant who gives him sleepless nights by criticizing him or casting aspersions on him which are totally incorrect and untrue. In this regard, the observations made in the case of *Triodos Bank NV vs. Dobbs*, [(2005) EWCA 468] are apposite:

“It is always tempting for a judge against whom criticisms are made to say that he would prefer not to hear further proceedings in which the critic is involved. It is tempting to take that course because the judge will know that the critic is likely to go away with a sense of grievance if the decision goes against him. Rightly or wrongly a litigant who does not have confidence in the Judge who hears his case will feel that if he loses, he has in some way been discriminated against. But it is important for a judge to resist the temptation to recuse himself simply because it would be more comfortable to do so. The reason is that – If judges were to recuse themselves whenever a litigant – whether it be a represented litigant or a litigant in person – criticized them (which sometimes happens not infrequently) we would soon reach the position in which litigants were able to select judges to hear their cases, simply by criticizing all the judges that they did not want to hear their case. It would be easy for a litigant to produce a situation in which a judge felt obliged to recuse himself simply because he had been criticized – whether that criticism was justified or not.”

34. I am therefore of the view that the grounds on which the Application of recusal is made by Advocate Nedumpara and his client are wholly baseless and unfounded. I have no doubt that the present Application

seeking recusal of this Court, to borrow the language of the Hon'ble Supreme Court is to avoid this Court, obfuscate issues, delay the proceedings and frustrate the course of justice. The Application is therefore rejected. I have decided not to deal with the compilation of documents relied upon by Mr. Kapadia in support of his contention. Instead I would rather join Mr. Chinoy, the Learned Amicus Curiae, in advising Advocate Nedumpara to introspect and find fault with oneself before finding faults with others. I may end by expressing a sincere hope that the assurance given by Advocate Nedumpara to this Court that he takes the advice of Mr. Aspi Chinoy to heart, that he will introspect and correct himself wherever he has gone wrong, is fulfilled in the right spirit."

6. In *Lalita Mohan Tejwani v. Special Recovery Officer and Sales Officer, Jankalyan Sahakari Bank Ltd. and Ors.*, Writ Petition No. 2334 of 2013, a Division Bench of the Bombay High Court, by an order dated 15.03.2017, recorded as follows:

"3. Mr. Nedumpara, learned counsel for the petitioner replied that he does not want to answer any questions of the Court as for the petitioner as "dominus litis" he should be heard. We had not prevented Mr. Nedumpara from arguing but wanted him to answer the basic issue as urged on behalf of respondent Nos. 1 and 2. At this stage, the manner in which Mr. Nedumpara conducted himself and behaved before the Court to say the least was most abusive, contemptuous, lowering the dignity of the Court, as also unbecoming of an advocate and officer of the Court. This conduct of Mr. Nedumpara, in our opinion, amounts to contempt in the face of the Court. Not only that but his demeanour as an officer of the Court was also highly objectionable. Mr. Nedumpara not only created a scene in the Court but

also made abuses at the learned counsel appearing for respondent Nos. 1 and 2. In fact, learned counsel appearing for respondent Nos. 1 and 2 pointed out that on every occasion Mr. Nedumpara was behaving and conducting himself in this manner.

4. What happened thereafter is further shocking. When the hearing was in progress and the learned counsel for respondent Nos. 1 and 2 was pointing out to us the details of the earlier decisions and the similar proceedings, Mr. Nedumpara walked out of the arguing seat and went behind and sat in the last row showing utter disregard and indifference to the sanctity of the court proceedings. Thereafter, when learned counsel for respondent Nos. 1 and 2 was addressing this Court, Mr. Nedumpara came forward and interrupted the learned counsel for respondent Nos. 1 and 2 and was again abusive towards the Court, and vehemently insisted that he be heard and he need not answer any query of the Court. When we pointed out that our queries on the basic issues were required to be answered so that further hearing can be proceeded, Mr. Nedumpara walked out of the Court and then did not return.

5. We find that what happened in the Court today is not only most unfortunate but highly objectionable affecting the solemnity and sanctity of the judicial proceedings. The conduct of Mr. Nedumpara has seriously affected not only the dignity of the Court but also the interest of administration of justice. We may observe that the solemn function of the Court is to dispense justice according to law and, therefore, it is well settled that the proceedings inside the Court are always expected to be held in a dignified and an orderly manner. The counsel of the Court is expected to be a responsible officer of the Court and if such contemptuous behavior on the part of Mr. Nedumpara is not seriously dealt with, the same would erode the dignity of the Court and corrode the majesty of the Court impairing confidence of the public in the efficacy of the institution of the Court. This conduct of Mr. Nedumpara, in our opinion, amounts to a gross

contempt of the Court and, therefore, it is necessary that an action as per the provisions of the Contempt of Court Act, 1971 is initiated.

6. We, accordingly, issue notice to Mr. Mathew Nedumpara, Advocate under Article 215 of the Constitution of India and section 14 of the Contempt of Court Act, returnable after two weeks. Mr. Nedumpara is directed to show cause as to why action should not be taken against him under Article 215 of the Constitution of India and under the Contempt of Court Act on his conduct and behavior as noted by us above in detail.”

7. Shri Nedumpara features in yet another order passed by a learned Single Judge of the Bombay High Court on 05.03.2018 in *Anand Agarwal and Anr. v. Vilas Chandrakant Gaonkar and Ors.*, Notice of Motion (L) No. 706 of 2017 in Commercial Suit No. 614 of 2017. The order states as follows:

“1. At this point of time, the Judiciary is mired in challenges of a very grave nature, perhaps like never before. It is being observed that there is, amongst some litigants and their Advocates, virtually no fear or hesitation in making false statements and misrepresentations before the Court, which should under any and all circumstances be dealt with the iron hand of the judiciary with zero tolerance for such blatantly unethical and mala-fide behaviour.

2. The dignity and respect of the Court along with its prescribed procedures is being unabashedly violated by certain litigants who are using foul and unfair means to demean and denounce the august Judiciary by making frivolous and baseless allegations against the Judges, and/or their opponents and their Advocates, with a view to rescind and back-track on solemn undertakings and

statements earlier made in Court. This malicious *modus operandi* of certain dishonest litigants is absolutely unacceptable, as it seeks to subvert the very foundations of justice that the Judiciary is committed to uphold. With no merit in their case, and in a bid to avert an unfavourable order being passed against them, such dishonest litigants collude with their Advocates to use underhanded means to ensure favourable orders and their consequent success in litigation instituted or defended by them.

3. Certain Advocates sadly seem to have forgotten the code of ethics that enjoins upon all Advocates, that they are Officers of the Court first and Advocates of their clients only thereafter. It is anguishing to note that such Advocates facilitate the unethical misadventures of their clients, often encouraging their clients' dishonest practices, causing grave stress to the Judiciary, and unfortunately bringing the entire judicial system to disrepute. It has become a vicious and despicable cycle wherein dishonest litigants with malafide intentions seek out unethical Advocates, who for hefty fee and the lure of attracting similar new and unscrupulous clients, conveniently choose to disregard and/or forget all ethics and the code of conduct enjoined upon this august profession. It is with a heavy heart, that Courts at times note that clients have no hesitation in replacing good and honest Advocates, with unscrupulous ones, who go to any dishonest lengths, merely to secure favourable orders for their clients.

4. The present case and the conduct of the Defendant No. 1 / Applicant strongly affirms the aforesaid observations. The Defendant No.1 Shri Vilas Chandrakant Gaokar had throughout the hearing of his case, remained present and appeared before the Court with his Counsel as well as the Advocate on record. He took the assistance of this Court in resolving his issues pertaining to the Suit, gave undertakings in pursuance of it, obtained consent orders and also acted in consonance with the same. However, Defendant No.1 breached one

of the undertaking given by him and being fully aware of the consequences thereof, he craftily and quickly changed his Advocates (who had already been previously changed) and briefed Counsel Mr. Mathew Nedumpara, who in turn advised him to file this Notice of Motion. In this Notice of Motion, he has stated that all the previous orders passed by this Court are null and void for reasons which are utterly false and dishonest to the knowledge of his client Shri Vilas Chandrakant Gaokar.

5. This malicious and mala-fide Notice of Motion sets out/alleges totally baseless and contemptible allegations against this Court, which are completely unacceptable and are a mere shenanigan to circumvent the action of contempt of Court. This reprehensible attempt at intimidating and manipulating this Court into not taking any action under the Law of Contempt calls for censure in the strongest terms. In an attempt to cover up the mala-fide intent, which is crystal clear and amply evident, the litigant Shri Vilas Chandrakant Gaokar dishonestly/falsely reiterates in the Application that he holds the Court in the highest esteem and respects its integrity. It will not be out of place to mention here that in an earlier matter before me, in which Mr. Mathew Nedumpurra appeared for one of the parties, he, after repeatedly reiterating that he holds the Court in the highest esteem and respects its integrity, had proceeded to pray that I recuse myself from all the matters in which he appears. That Application was, however, rejected by a detailed Judgment dated 23rd December, 2014, reported in 2015 (2) *Bom. C.R.* 247.

6. Therefore, such unethical and unacceptable behaviour needs to be met with the iron hand of the Court. The Courts must tackle all such unethical conduct fearlessly by taking stern action against litigants, and if need be their unethical Advocates as well. A failure to do so, will result in seriously jeopardising the Judiciary and will erode the Rule of Law, which is absolutely integral to the justice system in the country. The Courts must act swiftly and firmly, without getting intimidated by false and

frivolous charges, and utterly baseless, malicious and dishonest allegations that are levelled against the Judges.”

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“**18.** Again, the Defendant No.1 being aware that he has made false and incorrect statements in the Affidavit in support of his above Notice of Motion and his earlier Advocates will not support his dishonest stand, has changed his Advocates and dishonestly contended, through Mr. Mathew Nedumpara, that it was at the instance of the Plaintiffs that this Court recorded that by consent the matter be treated as part-heard, and that he had not given his consent. Though it is true that my regular assignment from June, 2017 did not pertain to commercial matters, a statement showing the disposal of the 30 matters finally disposed of and the balance matters which were heard and treated as part-heard by me, by consent of the parties was prepared by the Section Officer, Statistics Department which was subsequently handed over to the Registrar, Judicial-I, who forwarded the same to the Learned Chief Justice. In the said statement forwarded to the Learned Chief Justice, even the dates fixed by me for hearing of the matters treated as part-heard, including the dates fixed in the above matter after reopening of the Court on 5th June, 2017, are also mentioned. After the Court reopened, Defendant Nos. 1 to 5, along with their Advocates, appeared before me on 12 different dates of hearing and several orders were passed by me in the matters without any party or the Advocates representing them making any grievance. As stated earlier, it is only when the Defendant No. 1 wanted to wriggle out of his undertakings that he discharged his earlier Advocates who were aware of the true and correct facts in the matter and instead briefed Mrs. Rohini Amin and Mr. Mathew Nedumpara to make the above Application, by suppressing facts, and on grounds which are false and dishonest to his knowledge.

19. After the Order dated 26th April, 2017, was served on Defendant Nos. 1 to 5, the manner in which the matter has progressed is set out in detail by the Plaintiffs in their Affidavit-in-Reply and in their submissions at the hearing of this Notice of Motion. The same is referred to hereinafter. It is pertinent to note that Defendant No. 1 has in his Rejoinder reiterated his allegations and made a general denial, but has not specifically dealt with the facts set out in the Affidavit in Reply. Even during his arguments Mr. Nedumpara has not submitted that what is stated by the Plaintiffs in the Affidavit in Reply is incorrect.”

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“49. As set out hereinabove, Defendant No. 1 was conscious of the fact that all the allegations made by him are false and incorrect. He was well aware that his earlier Advocate will not be a party to his dishonest design of making allegations against the Court only because he was wanting to wriggle out of his undertakings recorded in the Order dated 12th May, 2017. He therefore, changed his Advocate and briefed Mr. Mathew Nedumpara to appear on his behalf in the above Notice of Motion, making false and scandalous allegations against this Court.

50. In view of the facts and circumstances narrated hereinabove, the case laws relied upon by Mr. Nedumpara does not assist him in any way. As held in the decisions of the Hon’ble Supreme Court and this Court, set out hereinabove, the undertakings given by Defendant No. 1 are binding on him and he is estopped from going back on the same.

51. In view thereof, the following Order is passed:

- (i) The above Notice of Motion is dismissed.
- (ii) The Defendant No. 1 is directed to pay exemplary costs of Rs.10 Lacs to the Plaintiffs within a period of two weeks from today.”

8. The result of this order was that Shri Nedumpara felt emboldened enough to file a writ petition, being Writ Petition (L) No. 1180 of 2018, in his own name against the Single Judge of the Bombay High Court who passed this order, the said Single Judge being arrayed as the sole respondent in the said petition. The prayers in the said petition are set out in paragraph 2 of the order dated 26.07.2018. The petition was dismissed holding that it was not maintainable. Paragraph 2 of the said petition reads as follows:

“2. The learned Judge (respondent herein) who has taken up the said Notice of Motion, vide Judgment pronounced on 05/03/2018 rejected the Motion moved by said Vilas Gaokar by imposing exemplary costs of Rs. 10,00,000/- on the said Vilas Gaokar. However, while rejecting the Notice of Motion, the learned Judge made certain observations about the petitioner which according to the petitioner are prejudicial. In the circumstances, the petitioner has filed this petition under Article 226 of the Constitution of India seeking following reliefs:

a. To declare that the citizen whose fundamental rights are infringed by a judicial order is entitled to all legal remedies, common law, equitable and declaratory, compensation and damages, so too, even criminal action like such infringement at the hands of legislature, executive and fellow citizens, and to assume otherwise will render part III of the Constitution nugatory.

b. In the event of prayer (a) above being granted in favour of the Petitioner, he is entitled to initiate civil and even criminal proceedings against Respondent no. 1 (though the

Petitioner intends to institute no criminal proceedings) in as much as the observations of Justice Kathawalla, one rendered behind his back is ex facie false and defamatory, even assuming that the said observations were made without any ulterior or malicious intentions.

c. To declare that no distinction can be made between subordinate judiciary and superior judiciary in so far as the prohibition contained in Article 13 (2) of the Constitution is concerned and that the superior judiciary also falls within the ambit of "State" under Article 12 just like the subordinate judiciary.

d. To grant compensation of Re. 1/- as damages, though the damage suffered by the Petitioner by virtue of the Order at Exhibit A, dated 05.03.2018 at the hands of Justice Kathawalla is irreparable and cannot be adequately compensated in terms of money.

e. Without prejudice to the reliefs (a) to (d) above and in furtherance thereof relegate the Petitioner to the civil court for the enforcement of the remedies vested in him, his fundamental rights being violated by virtue of Ex P1 at the hands of Justice Kathawalla, Respondent no. 1 above.

f. Any other order as this Hon'ble Court may deem fit in the interest of justice."

It is clear that prayers (b), (d), and (e) are clearly contemptuous, and an attempt to bring the administration of justice by a premier High Court of this country to a grinding halt. If lawyers can be bold enough to file writ petitions against judges of a High Court on observations

judicially made by a Judge of the High Court, the very independence of the judiciary itself comes under threat. Given the course of behaviour of Shri Nedumpara before Tribunals, the Bombay High Court, and this Court, it is clear that the said advocate has embarked on a course of conduct which is calculated to defeat the administration of justice in this country.

9. When contempt is committed in the face of the Court, judges' hands are not tied behind their backs. The majesty of this Court as well as the administration of justice both demand that contemptuous behavior of this kind be dealt with sternly. An early judgment of this Court in *Sukhdev Singh Sodhi v. Chief Justice S. Teja Singh*, 1954 SCR 454 proceeded cautiously, but made it clear that where a judge is personally attacked, it would be proper for the judge to deal with the matter himself, in cases of contempt in the face of the Court. This Court stated the law thus:

“We wish however to add that though we have no power to order a transfer in an original petition of this kind we consider it desirable on general principles of justice that a judge who has been personally attacked should not as far as possible hear a contempt matter which, to that extent, concerns him personally. It is otherwise when the attack is not directed against him personally. We do not lay down any general rule because there may be cases where that is impossible, as for example in a court where

there is only one judge or two and both are attacked. Other cases may also arise where it is more convenient and proper for the Judge to deal with the matter himself, as for example in a contempt *in facie curiae*. All we can say is that this must be left to the good sense of the judges themselves who, we are confident, will comfort themselves with that dispassionate dignity and decorum which befits their high office and will bear in mind the oft quoted maxim that justice must not only be done but must be seen to be done by all concerned and most particularly by an accused person who should always be given, as far as that is humanly possible, a feeling of confidence that he will receive a fair, just and impartial trial by Judges who have no personal interest or concern in his case.”

(at pp. 464-465)
(emphasis supplied)

10. In *Leila David (2) v. State of Maharashtra*, (2009) 4 SCC 578, two learned Judges differed on whether contempt in the face of the Court can be dealt with summarily, without any need of issuing notice to the contemnors, and whether punishment can be inflicted upon them there and then. Pasayat, J. held that this is, indeed, the duty of the Court. Ganguly, J. differed. A three-Judge Bench of this Court, in *Leila David (6) v. State of Maharashtra*, (2009) 10 SCC 337, settled the law, making it clear that Pasayat, J.’s view was the correct view in law.

This Court held:

“28. As far as the suo motu proceedings for contempt are concerned, we are of the view that Arijit Pasayat, J. was well within his jurisdiction in passing a summary order,

having regard to the provisions of Articles 129 and 142 of the Constitution of India. Although, Section 14 of the Contempt of Courts Act, 1971, lays down the procedure to be followed in cases of criminal contempt in the face of the court, it does not preclude the court from taking recourse to summary proceedings when a deliberate and wilful contumacious incident takes place in front of their eyes and the public at large, including Senior Law Officers, such as the Attorney General for India who was then the Solicitor General of India.

29. While, as pointed out by Ganguly, J., it is a statutory requirement and a salutary principle that a person should not be condemned unheard, particularly in a case relating to contempt of court involving a summary procedure, and should be given an opportunity of showing cause against the action proposed to be taken against him/her, there are exceptional circumstances in which such a procedure may be discarded as being redundant.

30. The incident which took place in the courtroom presided over by Pasayat, J. was within the confines of the courtroom and was witnessed by a large number of people and the throwing of the footwear was also admitted by Dr. Sarita Parikh, who without expressing any regret for her conduct stood by what she had done and was supported by the other contemnors. In the light of such admission, the summary procedure followed by Pasayat, J. cannot be faulted.”

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“**35.** Section 14 of the Contempt of Courts Act no doubt contemplates issuance of notice and an opportunity to the contemnors to answer the charges in the notice to satisfy the principles of natural justice. However, where an incident of the instant nature takes place within the presence and sight of the learned Judges, the same amounts to contempt in the face of the Court and is required to be dealt with at the time of the incident itself. This is necessary for the dignity and majesty of the

courts to be maintained. When an object, such as a footwear, is thrown at the Presiding Officer in a court proceeding, the object is not to merely scandalise or humiliate the Judge, but to scandalise the institution itself and thereby lower its dignity in the eyes of the public.”

11. *Leila David (6)* (supra) has been followed in *Ram Niranjana Roy v. State of Bihar & Ors.*, (2014) 12 SCC 11 thus:

“16. Thus, when contempt is committed in the face of the High Court or the Supreme Court to scandalise or humiliate the Judge, instant action may be necessary. If the courts do not deal with such contempt with strong hand, that may result in scandalising the institution thereby lowering its dignity in the eyes of the public. The courts exist for the people. The courts cherish the faith reposed in them by people. To prevent erosion of that faith, contempt committed in the face of the court need a strict treatment. The appellant, as observed by the High Court was not remorseful. He did not file any affidavit tendering apology nor did he orally tell the High Court that he was remorseful and he wanted to tender apology. Even in this Court he has not tendered apology. Therefore, since the contempt was gross and it was committed in the face of the High Court, the learned Judges had to take immediate action to maintain honour and dignity of the High Court. There was no question of giving the appellant any opportunity to make his defence. This submission of the appellant must, therefore, be rejected.”

12. In *R.K. Anand v. Delhi High Court*, (2009) 8 SCC 106, a three-Judge Bench of this Court examined the law and stated that a direction prohibiting the advocate from appearing in a Court for a specified period was a punishment that could be imposed in the contempt

jurisdiction. After examining the judgments on the point, this Court held:

“**238.** In *Supreme Court Bar Assn.* [(1998) 4 SCC 409] the direction prohibiting an advocate from appearing in court for a specified period was viewed as a total and complete denial of his right to practise law and the bar was considered as a punishment inflicted on him. [Though in para 80 of *Supreme Court Bar Assn. case* [(1998) 4 SCC 409], as seen earlier (in para 230 herein), there is an observation that in a given case it might be possible for this Court or the High Court, to prevent the contemnor advocate to appear before it till he purges himself of the contempt.] In *Ex. Capt. Harish Uppal* [(2003) 2 SCC 45] it was seen not as punishment for professional misconduct but as a measure necessary to regulate the court’s proceedings and to maintain the dignity and orderly functioning of the courts. We may respectfully add that in a given case a direction disallowing an advocate who is convicted of criminal contempt from appearing in court may not only be a measure to maintain the dignity and orderly functioning of the courts but may become necessary for the self-protection of the court and for preservation of the purity of court proceedings. Let us, for example, take the case where an advocate is shown to have accepted money in the name of a judge or on the pretext of influencing him; or where an advocate is found tampering with the court’s record; or where an advocate is found actively taking part in faking court orders (fake bail orders are not unknown in several High Courts!); or where an advocate has made it into a practice to browbeat and abuse judges and on that basis has earned the reputation to get a case transferred from an “inconvenient” court; or where an advocate is found to be in the habit of sending unfounded and unsubstantiated allegation petitions against judicial officers and judges to the superior courts. Unfortunately, these examples are not from imagination.

These things are happening more frequently than we care to acknowledge.

239. We may also add that these illustrations are not exhaustive but there may be other ways in which a malefactor's conduct and actions may pose a real and imminent threat to the purity of court proceedings, cardinal to any court's functioning, apart from constituting a substantive offence and contempt of court and professional misconduct. In such a situation the court does not only have the right but it also has the obligation cast upon it to protect itself and save the purity of its proceedings from being polluted in any way and to that end bar the malefactor from appearing before the courts for an appropriate period of time.

240. It is already explained in *Ex. Capt. Harish Uppal* [(2003) 2 SCC 45] that a direction of this kind by the Court cannot be equated with punishment for professional misconduct. Further, the prohibition against appearance in courts does not affect the right of the lawyer concerned to carry on his legal practice in other ways as indicated in the decision. We respectfully submit that the decision in *Ex. Capt. Harish Uppal v. Union of India* [(2003) 2 SCC 45] places the issue in correct perspective and must be followed to answer the question at issue before us."

(emphasis supplied)

13. Conduct of this kind deserves punishment which is severe. Though we could have punished Shri Nedumpara by this order itself, in the interest of justice, we issue notice to Shri Nedumpara as to the punishment to be imposed upon him for committing contempt in the face of the Court. Notice returnable within two weeks from today.

14. This judgment is to be circulated to the Chief Justice of every High Court in this country, the Bar Council of India, and the Bar Council of Kerala, through the Secretary General, within a period of four weeks from today.

15. Insofar as the Writ Petition is concerned, the Writ Petition, in essence, seeks a second review of our judgment reported in *Indira Jaising v. Supreme Court of India through Secretary General and Ors.*, (2017) 9 SCC 766. Even otherwise, it is settled law that an Article 32 petition does not lie against the judgment of this Court. We are also of the view that Section 16(2) of the Advocates Act, 1961 is a provision which cannot be said to be unconstitutional and the designation of Senior Advocate cannot be as a matter of bounty or as a matter of right.

16. For these reasons, the Writ Petition stands dismissed.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(VINEET SARAN)

New Delhi;

March 12, 2019.

ITEM NO.1501

COURT NO.5

SECTION X

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 191/2019

NATIONAL LAWYERS CAMPAIGN FOR JUDICIAL TRANSPARENCY

AND REFORMS & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 12-03-2019

This petition was called on for pronouncement of order today.

For Petitioner(s)

Mr. Rabin Majumder, AOR

For Respondent(s)

Hon'ble Mr. Justice R.F. Nariman pronounced the reportable order of the Bench comprising His Lordship and Hon'ble Mr. Justice Vineet Saran.

The Court, while dismissing the Writ Petition, came to the following conclusion:

"13. Conduct of this kind deserves punishment which is severe. Though we could have punished Shri Nedumpara by this order itself, in the interest of justice, we issue notice to Shri Nedumpara as to the punishment to be imposed upon him

for committing contempt in the face of the Court. Notice returnable within two weeks from today.

14. This judgment is to be circulated to the Chief Justice of every High Court in this country, the Bar Council of India, and the Bar Council of Kerala, through the Secretary General, within a period of four weeks from today.

15. Insofar as the Writ Petition is concerned, the Writ Petition, in essence, seeks a second review of our judgment reported in *Indira Jaising v. Supreme Court of India through Secretary General and Ors.*, (2017) 9 SCC 766. Even otherwise, it is settled law that an Article 32 petition does not lie against the judgment of this Court. We are also of the view that Section 16(2) of the Advocates Act, 1961 is a provision which cannot be said to be unconstitutional and the designation of Senior Advocate cannot be as a matter of bounty or as a matter of right."

Pending applications, if any, stand disposed of.

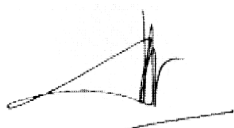
(R. NATARAJAN)

(RENU DIWAN)

COURT MASTER (SH)

ASSISTANT REGISTRAR

(Signed reportable order is placed on the file)



//True Copy//

Exhibit "A"

11

IN THE HIGH COURT OF JUDICATURE AT MUMBAI

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION LODGING NO.175 OF 2013

IN

WRIT PETITION LODGING NO.2772 OF 2012

Mrs. Lalita Mohan Tejawani

.....Petitioner

V/s.

Special Recovery Officer & Sales Officer,
Jankalyan Sahakari Bank Ltd. & Ors.

.....Respondents

I, Changdeo Godse, of Mumbai, Indian Inhabitant,
the Deputy Manager-Nodal Officer of Vodafone India Limited,
having my office situate at 1st Floor, Skyline Icon, 86/92, Andheri-
Kurla Road, Marol Naka, Andheri East, Mumbai - 400 059, do
hereby state on solemn affirmation as under:-

1. I say that I am the Deputy Manager-Nodal Officer
of Vodafone India Ltd., and in this capacity I have access to all
necessary records. I am filing the Affidavit for and on behalf of
Vodafone India Ltd., in my capacity therein.

1. I say that that by Order dated 13-06-2013, the
Hon'ble High Court had directed service providers for Cell
Nos.9820535428; 9819846333 and 8108066202 to appear before
the Hon'ble Court through their authorized officer along with their
call records in relation to the calls and SMSes from and to Cell
Nos.9820535428; 9819846333 and 8108066202 on 04-03-2013.
Further, the officers of both the companies i.e. Vodafone India

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5. I say that the details in respect of calls and SMSes made between the Cell Nos. 9820535428 to 9819846333 and 8108066202 and between cell No. 9819846333 to 9820535428 and 8108066202 for the period 04-03-2013 and 05-03-2013 are annexed herewith in Schedule I and Schedule II hereto.

6. I am filing this Affidavit in compliance with the directions contained in Orders dated 13-06-2013 and 19-06-2013.

Solemnly affirmed at Mumbai)

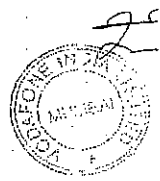
This 20th day of June, 2013)

sdv
Advocate High Court

sdv
before me
sdv

4

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Vodafone											
Vodafone Call Data Records											
MSISDN : 9819846333											
From Date : 4/3/2013 00:00:00											
Till Date : 5/3/2013 23:59:59											
Report Ind:MUM_983009											
Report Date : 18-Jun-2013 12:44:42 PM											
SERIAL NO.	A NUMBER	B NUMBER	CALL DATE	CALL TIME	DURATION	CALL ID	CALL TYPE	IMEI	MSISDN		
1	09820535428	09819846333	04-MAR-2013	10:53:07	34	404202500203963	INC	351940031911660	404201280342257		
2	09820535428	09819846333	04-MAR-2013	10:56:31	9	404203330250327	INC	351940031911660	404201280342257		
3	09820535428	09819846333	04-MAR-2013	13:41:17	35	404203330202027	INC	351940031911660	404201280342257		
4	09820535428	09819846333	04-MAR-2013	13:55:50	39	404203330203007	INC	351940031911660	404201280342257		
5	09820535428	09819846333	04-MAR-2013	11:20:46	1	404203330201048	SMS_INC	351940031911660	404201280342257		
6	09820535428	09819846333	04-MAR-2013	11:20:50	1	404203330201048	SMS_INC	351940031911660	404201280342257		
7	09820535428	09819846333	04-MAR-2013	11:20:52	1	404203330201048	SMS_INC	351940031911660	404201280342257		
8	09820535428	09819846333	04-MAR-2013	11:28:53	1	404203330201048	SMS_INC	351940031911660	404201280342257		
9	09820535428	09819846333	04-MAR-2013	11:28:55	1	404203330201048	SMS_INC	351940031911660	404201280342257		
10	09820535428	09819846333	04-MAR-2013	11:46:22	1	404203330202718	SMS_INC	351940031911660	404201280342257		
11	09820535428	09819846333	04-MAR-2013	11:50:09	1	404203330202716	SMS_INC	351940031911660	404201280342257		
12	09819846333	09820535428	04-MAR-2013	10:27:56	1	404203330105378	SMS_MOC	351940031911660	404201280342257		
13	09819846333	09819846333	04-MAR-2013	11:21:19	1	404203330201048	SMS_MOC	351940031911660	404201280342257		
14	09819846333	09819846333	04-MAR-2013	11:21:20	1	404203330201048	SMS_MOC	351940031911660	404201280342257		
15	09819846333	09819846333	04-MAR-2013	11:21:20	1	404203330201048	SMS_MOC	351940031911660	404201280342257		
16	09819846333	09820535428	05-MAR-2013	09:33:55	1	404203330104225	SMS_MOC	351940031911660	404201280342257		

Vodafone

Vodafone Call Data Records

MSISDN : - 9820535428

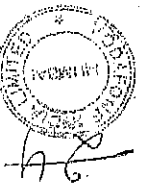
From Date : 4/3/2013 00:00:00

To Date : 5/3/2013 23:59:59

Report Index: MUM 983012

Report Date : 18-Jun-2013 12:44:57 PM

S.R. NO.	A. NUMBER	B. NUMBER	CALL DATE	CALL TIME	DURATION	DEL. ID	CALL TYPE	INCL. ID	MSI
1	09819846333	09820535428	04-MAR-2013	10:28:01	1	40420250025032	SMS_INCL	35961604920355	404201130263348
2	09820535428	09819846333	04-MAR-2013	10:33:07	34	40420250025032	OUT	35961604920355	404201130263348
3	09820535428	09819846333	04-MAR-2013	10:36:31	9	40420250025032	OUT	35961604920355	404201130263348
4	09820535428	09819846333	04-MAR-2013	11:18:43	1	40420250010929	SMS_MOC	35961604920355	404201130263348
5	09820535428	09819846333	04-MAR-2013	11:18:47	1	40420250010929	SMS_MOC	35961604920355	404201130263348
6	09820535428	09819846333	04-MAR-2013	11:18:49	1	40420250010929	SMS_MOC	35961604920355	404201130263348
7	09820535428	09819846333	04-MAR-2013	11:20:14	1	40420250010929	SMS_MOC	35961604920355	404201130263348
8	09820535428	09819846333	04-MAR-2013	11:20:18	1	40420250010929	SMS_MOC	35961604920355	404201130263348
9	09820535428	09819846333	04-MAR-2013	11:20:20	1	40420250010929	SMS_MOC	35961604920355	404201130263348
10	09820535428	09819846333	04-MAR-2013	11:20:45	1	40420250010929	SMS_MOC	35961604920355	404201130263348
11	09820535428	09819846333	04-MAR-2013	11:20:48	1	40420250010929	SMS_MOC	35961604920355	404201130263348
12	09820535428	09819846333	04-MAR-2013	11:20:51	1	40420250010929	SMS_MOC	35961604920355	404201130263348
13	09820535428	09819846333	04-MAR-2013	11:23:24	1	40420250010929	SMS_MOC	35961604920355	404201130263348
14	09820535428	09819846333	04-MAR-2013	11:23:40	16	40420250010929	INC	35961604920355	404201130263348
15	09820535428	09819846333	04-MAR-2013	11:25:57	21	40420250010929	INC	35961604920355	404201130263348
16	09820535428	09819846333	04-MAR-2013	11:31:37	1	40420250015314	SMS_MOC	35961604920355	404201130263348



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17	09820535428	08108066202	04-MAR-2013	11:31:41	1	2	40420250015314	SMS_MOC	35961604920355	0	404201130263348
18	09820535428	08108066202	04-MAR-2013	11:31:43	1	2	40420250015314	SMS_MOC	35961604920355	0	404201130263348
19	09820535428	09819846333	04-MAR-2013	11:48:52	1	1	40420250010275	SMS_MOC	35961604920355	0	404201130263348
20	09820535428	09819846333	04-MAR-2013	13:41:17	34	3	40420250025032	OUT	35961604920355	0	404201130263348
21	09820535428	09819846333	04-MAR-2013	13:55:50	99	1	40420250020424	OUT	35961604920355	0	404201130263349
22	09819846333	09820535428	05-MAR-2013	09:34:00	1	3	40420250025032	SMS_INC	35961604920355	0	404201130263348



//True Copy//

Exhibit "B"

Itemised calls

Mr. Mathews Nedumpara

Relationship no. 1.6132072

Vodafone no. 9820535428

Local pulse rate: VF 2 VF 60 seconds and VF 2 Others 60 seconds
(for details refer back of page 4)

DD/MM/YY-Time	Number	Duration (min:sec)	Charges (Rs)	DD/MM/YY-Time	Number	Duration (min:sec)	Charges (Rs)
Outgoing calls				Local			
19/02/13-11:40:20	*919145341098	1:00	1	06/03/13-10:48:47	*919967554427	1:00	1
19/02/13-11:58:55	9167875251	1:00	1	06/03/13-11:34:55	*09320057515	1:00	1
19/02/13-12:15:59	*919145341098	2:00	2	07/03/13-11:33:59	0222020752	1:00	1
19/02/13-12:24:53	*919145341098	2:00	2	07/03/13-17:35:13	*919321999972	1:00	1
19/02/13-14:17:53	919920477447	1:00	1	07/03/13-17:58:10	0222044476	1:00	1
19/02/13-16:22:20	09820565305	1:00	1	07/03/13-19:05:56	09920485387	2:00	2
20/02/13-11:15:14	0222020752	1:00	1	07/03/13-22:06:20	*09821252315	1:00	1
20/02/13-11:16:22	*918149925337	1:00	1	07/03/13-22:07:21	*09821252315	1:00	1
20/02/13-12:21:46	09833631949	1:00	1	07/03/13-22:08:40	*09821252315	1:00	1
20/02/13-12:25:33	*919322788621	1:00	1	07/03/13-22:10:44	*09821252315	2:00	2
20/02/13-15:29:03	09920477447	3:00	3	08/03/13-10:40:38	*919320057515	1:00	1
20/02/13-15:38:19	918020124001	1:00	1	08/03/13-22:55:11	919833118335	1:00	1
20/02/13-15:46:21	*09867170756	1:00	1	08/03/13-23:47:40	919920229219	1:00	1
20/02/13-20:06:40	02224310278	1:00	1	09/03/13-00:08:57	*919321999972	1:00	1
21/02/13-12:56:23	09833631949	1:00	1	11/03/13-09:27:58	09820283375	1:00	1
21/02/13-12:37:49	919635631949	8:00	8	11/03/13-16:56:44	*919324233344	4:00	4
21/02/13-17:15:17	*919145341098	2:00	2	11/03/13-19:44:37	919820858827	1:00	1
21/02/13-17:58:44	*919145341098	1:00	1	12/03/13-11:54:49	*09870322984	1:00	1
22/02/13-05:25:23	*09821093432	1:00	1	13/03/13-10:49:24	0222020752	1:00	1
22/02/13-05:28:42	*09821093432	1:00	1	13/03/13-10:50:26	09167115198	1:00	1
22/02/13-05:31:19	*09821093432	1:00	1	13/03/13-13:57:21	*09220321999	1:00	1
22/02/13-05:34:45	*09821093432	1:00	1	13/03/13-14:01:51	*09867279417	1:00	1
22/02/13-06:21:11	*919967554427	1:00	1	13/03/13-15:18:56	0983364246	1:00	1
22/02/13-06:18:54	*09867279417	1:00	1	13/03/13-16:23:22	*919967554427	1:00	1
22/02/13-20:22:06	*919145341098	2:00	2	13/03/13-17:09:51	*919967554427	1:00	1
22/02/13-20:33:14	0222044476	2:00	2	13/03/13-22:25:36	*919324051010	2:00	2
23/02/13-10:34:11	*919821223456	1:00	1	14/03/13-12:03:13	919819846333	1:00	1
23/02/13-10:54:49	*919821223456	1:00	1	14/03/13-14:15:23	*919145341098	1:00	1
23/02/13-12:46:08	02243402900	1:00	1	14/03/13-17:56:01	*919145341098	2:00	2
23/02/13-12:46:08	919820639765	1:00	1	15/03/13-13:08:19	919820082745	1:00	1
26/02/13-11:06:55	0222020752	1:00	1	15/03/13-15:51:15	*919821223456	1:00	1
26/02/13-11:11:27	09619184170	1:00	1	15/03/13-16:22:11	09820298730	1:00	1
26/02/13-11:43:30	919920477447	1:00	1	15/03/13-18:49:29	*919869994397	1:00	1
26/02/13-15:29:13	09920477447	1:00	1	15/03/13-20:52:35	09820283375	1:00	1
26/02/13-17:33:31	*919145341098	1:00	1	16/03/13-13:29:42	*919324688547	1:00	1
26/02/13-18:31:30	*919145341098	1:00	1	Total	107 Calls	158:00	152.00
26/02/13-18:33:00	*919145341098	1:00	1	STD			
26/02/13-18:45:10	*08767225978	1:00	1	23/02/13-12:30:06	*094470720097	1:00	1
26/02/13-18:48:19	*919145341098	1:00	1	25/02/13-08:55:42	*09447053243	1:00	1
26/02/13-19:00:27	*919145341098	1:00	1	26/02/13-14:03:02	*09447165651	1:00	1
27/02/13-10:52:45	0222020752	2:00	2	27/02/13-16:11:24	*919497704651	1:00	1
27/02/13-11:00:35	09619184170	1:00	1	27/02/13-17:22:15	*919497704651	1:00	1
27/02/13-11:01:11	09619184170	1:00	1	17/03/13-20:51:06	*09447165651	2:00	2
27/02/13-11:02:50	09619184170	1:00	1	Total	6 Calls	7:00	7.00
27/02/13-13:44:26	02226002230	13:00	13	ISD			
27/02/13-16:10:01	*09029934716	1:00	1	06/03/13-21:53:45	50944911101	1:00	15
27/02/13-16:10:50	09167115198	1:00	1	Total	1 Call	1:00	15.00
27/02/13-19:06:24	919969261176	2:00	2	GPRS (Usage in KB)			
28/02/13-07:14:17	*919967554427	1:00	1			Usage (in KB)	Charges (Rs)
28/02/13-14:49:25	9930830835	1:00	1	22/02/13	VF Mobile Connect	550	0**
28/02/13-16:05:16	09820611359	2:00	2	23/02/13	VF Mobile Connect	2530	0**
28/02/13-17:44:40	*919503185175	6:00	6	24/02/13	VF Mobile Connect	3240	0**
28/02/13-18:40:24	09322511500	3:00	3	25/02/13	VF Mobile Connect	1620	0**
28/02/13-20:46:43	09322511500	1:00	1	26/02/13	VF Mobile Connect	2560	0**
01/03/13-14:07:23	*919967554427	1:00	1	27/02/13	VF Mobile Connect	4860	0**
01/03/13-14:08:25	0222044476	1:00	1	28/02/13	VF Mobile Connect	1700	0**
02/03/13-11:17:46	09322511500	2:00	2	01/03/13	VF Mobile Connect	1560	0**
02/03/13-20:03:28	*09892033560	1:00	1	02/03/13	VF Mobile Connect	1480	0**
04/03/13-10:53:07	919819846333	1:00	1	03/03/13	VF Mobile Connect	1740	0**
04/03/13-10:56:31	919819846333	1:00	1	04/03/13	VF Mobile Connect	1920	0**
04/03/13-10:58:59	*919029648281	1:00	1	05/03/13	VF Mobile Connect	1630	0**
04/03/13-12:16:03	09920477447	2:00	2	06/03/13	VF Mobile Connect	2010	0**
04/03/13-13:41:17	919819846333	1:00	1	07/03/13	VF Mobile Connect	1930	0**
04/03/13-13:55:50	919819846333	1:00	1	08/03/13	VF Mobile Connect	1710	0**
04/03/13-14:12:01	09820291687	1:00	1	09/03/13	VF Mobile Connect	1780	0**
04/03/13-14:26:09	09920254753	1:00	1	10/03/13	VF Mobile Connect	1080	0**
04/03/13-16:53:18	*918898003388	1:00	1				
06/03/13-08:41:40	09619337445	1:00	1				
06/03/13-10:44:13	*910149925337	1:00	1				
06/03/13-10:44:40	919833118335	1:00	1				
06/03/13-10:46:18	*919821029304	1:00	1				
06/03/13-10:46:57	*919967554427	1:00	1				

** Indicates calls at discounted rate

* Indicates calls on mobile numbers not on Vodafone
sms BILL to 111 (toll free) for bill information

17

Itemised calls

Mr. Mathews Nadumpara

Relationship no. 1.6132072

Vodafone no. 9020535428

Local pulse rate: VF 2 VF 60 seconds and VF 2 Others 60 seconds
(for details refer back of page 1)

DD/MM/YY-Time	Number	Duration (min:sec)	Charges (Rs)	DD/MM/YY-Time	Number	Duration (min:sec)	Charges (Rs)
SMS-local				SMS-local			
02/03/13-17:30:06	09147115198	0:00	1	04/03/13-12:09:55	918149925337	0:00	1
02/03/13-17:32:47	915869994397	0:00	1	04/03/13-12:10:37	918149925337	0:00	1
02/03/13-19:29:37	919011009341	0:00	1	04/03/13-12:10:47	919503186175	0:00	1
02/03/13-19:38:48	919833631949	0:00	1	04/03/13-12:23:44	919920477447	0:00	1
02/03/13-19:58:16	919820021277	0:00	1	04/03/13-12:23:46	919920477447	0:00	1
02/03/13-20:59:51	919920477447	0:00	1	04/03/13-12:23:51	918149925337	0:00	1
02/03/13-21:08:36	919920477447	0:00	1	04/03/13-12:23:53	918149925337	0:00	1
03/03/13-09:38:27	919920171571	0:00	1	04/03/13-12:23:58	919503186175	0:00	1
03/03/13-09:40:17	919833631949	0:00	1	04/03/13-12:24:00	919503186175	0:00	1
03/03/13-10:37:01	9193320057515	0:00	1	04/03/13-12:28:47	918149925337	0:00	1
03/03/13-10:37:07	919920477447	0:00	1	04/03/13-12:29:41	918149925337	0:00	1
03/03/13-10:37:12	918149925337	0:00	1	04/03/13-12:29:44	918149925337	0:00	1
03/03/13-10:42:57	918149925337	0:00	1	04/03/13-12:29:48	919503186175	0:00	1
03/03/13-10:43:50	9193320057515	0:00	1	04/03/13-12:29:50	919503186175	0:00	1
03/03/13-10:43:54	9190209934716	0:00	1	04/03/13-12:30:05	919920477447	0:00	1
03/03/13-10:43:59	919967554427	0:00	1	04/03/13-12:30:07	919920477447	0:00	1
03/03/13-21:33:59	9190209934716	0:00	1	04/03/13-15:07:53	919167115198	0:00	1
03/03/13-21:34:01	9190209934716	0:00	1	04/03/13-15:18:00	919967554427	0:00	1
03/03/13-21:38:14	918149925337	0:00	1	04/03/13-15:21:28	919967554427	0:00	1
03/03/13-21:38:43	918149925337	0:00	1	04/03/13-15:21:30	919967554427	0:00	1
03/03/13-21:38:33	09820297687	0:00	1	04/03/13-15:21:35	919967554427	0:00	1
03/03/13-21:52:40	919920477447	0:00	1	04/03/13-15:21:37	919967554427	0:00	1
03/03/13-21:52:44	9193320057515	0:00	1	04/03/13-15:21:42	918149925337	0:00	1
03/03/13-21:52:51	9193322788621	0:00	1	04/03/13-15:21:43	918149925337	0:00	1
03/03/13-21:52:55	9190209934716	0:00	1	04/03/13-15:21:49	919503186175	0:00	1
03/03/13-21:53:03	918149925337	0:00	1	04/03/13-15:21:51	919503186175	0:00	1
03/03/13-21:53:07	919503186175	0:00	1	04/03/13-15:21:55	919503186175	0:00	1
03/03/13-21:53:11	919920795532	0:00	1	04/03/13-15:21:57	919920795532	0:00	1
04/03/13-07:17:54	918898003388	0:00	1	04/03/13-15:21:57	919920795532	0:00	1
04/03/13-10:56:06	919321999972	0:00	1	04/03/13-15:45:42	919821319787	0:00	1
04/03/13-11:16:43	919819846333	0:00	1	04/03/13-15:48:03	919821319787	0:00	1
04/03/13-11:18:47	919819846333	0:00	1	04/03/13-17:00:44	919920477447	0:00	1
04/03/13-11:18:49	919819846333	0:00	1	04/03/13-18:33:49	919004948152	0:00	1
04/03/13-11:18:54	919819846333	0:00	1	04/03/13-18:33:51	919004948152	0:00	1
04/03/13-11:18:57	09167115198	0:00	1	04/03/13-21:19:30	919664004499	0:00	1
04/03/13-11:19:00	09167115198	0:00	1	04/03/13-21:20:33	919820171571	0:00	1
04/03/13-11:20:04	919322788621	0:00	1	05/03/13-08:10:02	919820021277	0:00	1
04/03/13-11:20:07	919322788621	0:00	1	05/03/13-08:10:05	919820021277	0:00	1
04/03/13-11:20:10	919322788621	0:00	1	05/03/13-08:10:10	919320057515	0:00	1
04/03/13-11:20:14	919322788621	0:00	1	05/03/13-08:10:13	919320057515	0:00	1
04/03/13-11:20:18	919322788621	0:00	1	05/03/13-08:10:20	919920477447	0:00	1
04/03/13-11:20:20	919322788621	0:00	1	05/03/13-08:10:23	919920477447	0:00	1
04/03/13-11:20:25	919322788621	0:00	1	05/03/13-08:10:45	919920477447	0:00	1
04/03/13-11:20:48	919322788621	0:00	1	05/03/13-08:12:18	919920477447	0:00	1
04/03/13-11:20:51	919322788621	0:00	1	05/03/13-11:25:27	919920477447	0:00	1
04/03/13-11:21:10	919920477447	0:00	1	05/03/13-11:36:35	918898003388	0:00	1
04/03/13-11:21:14	919920477447	0:00	1	05/03/13-11:38:09	919821252315	0:00	1
04/03/13-11:21:16	919920477447	0:00	1	05/03/13-11:48:14	919821252315	0:00	1
04/03/13-11:23:24	919920477447	0:00	1	05/03/13-12:27:20	918898003388	0:00	1
04/03/13-11:23:27	919920477447	0:00	1	05/03/13-12:27:44	918898003388	0:00	1
04/03/13-11:23:32	919920477447	0:00	1	05/03/13-12:35:44	918898003388	0:00	1
04/03/13-11:23:43	919920477447	0:00	1	05/03/13-12:50:30	918898003388	0:00	1
04/03/13-11:26:22	919920477447	0:00	1	05/03/13-12:50:30	918898003388	0:00	1
04/03/13-11:36:24	919920477447	0:00	1	05/03/13-13:23:15	919820124001	0:00	1
04/03/13-11:37:28	919920477447	0:00	1	05/03/13-13:24:13	919820124001	0:00	1
04/03/13-11:37:29	919920477447	0:00	1	05/03/13-13:36:33	919820124001	0:00	1
04/03/13-11:37:34	919920477447	0:00	1	05/03/13-13:36:35	919820124001	0:00	1
04/03/13-11:37:37	919920477447	0:00	1	05/03/13-13:40:40	919820124001	0:00	1
04/03/13-11:37:45	919920477447	0:00	1	05/03/13-13:41:38	919820124001	0:00	1
04/03/13-11:37:48	919920477447	0:00	1	05/03/13-13:41:59	919820124001	0:00	1
04/03/13-11:38:23	919920477447	0:00	1	05/03/13-13:44:32	919820124001	0:00	1
04/03/13-11:38:52	919920477447	0:00	1	05/03/13-13:45:16	919820124001	0:00	1
04/03/13-11:39:05	919920477447	0:00	1	05/03/13-13:45:28	919820124001	0:00	1
04/03/13-11:39:09	919920477447	0:00	1	05/03/13-13:45:28	919820124001	0:00	1
04/03/13-11:39:12	919920477447	0:00	1	05/03/13-13:45:28	919820124001	0:00	1
04/03/13-11:41:32	919920477447	0:00	1	05/03/13-13:45:28	919820124001	0:00	1
04/03/13-11:47:34	919920477447	0:00	1	05/03/13-13:45:28	919820124001	0:00	1
04/03/13-11:48:22	919920477447	0:00	1	05/03/13-13:45:28	919820124001	0:00	1
04/03/13-11:49:47	919920477447	0:00	1	05/03/13-13:45:28	919820124001	0:00	1
04/03/13-11:50:48	919920477447	0:00	1	05/03/13-13:45:28	919820124001	0:00	1
04/03/13-11:52:35	919920477447	0:00	1	05/03/13-13:45:28	919820124001	0:00	1
04/03/13-11:55:16	919920477447	0:00	1	05/03/13-13:45:28	919820124001	0:00	1

* Indicates calls to mobile numbers not on Vodafone
sms BILL to 117 (toll free) for bill information

Exhibit "C"

18

EXHIBIT "H"
Itemised calls

Out going calls

Vodafone

From M.J. Nedump

Mr. Mathews Nedumpara

Relationship no. 1.6132072

Vodafone no. 9820535428

Local pulse rate: VF 2 VF 60 seconds and VF 2 Others 60 seconds
(for details refer back of page 1)

DD/MM/YY-Time	Number	Duration (min:sec)	Charges (Rs)	DD/MM/YY-Time	Number	Duration (min:sec)	Charges (Rs)
Outgoing calls				Local			
19/02/13-11:48:20	*919145341090	1:00	1	06/03/13-10:48:47	*919967554427	1:00	1
19/02/13-11:58:55	9167875251	1:00	1	06/03/13-11:34:55	*09120087515	1:00	1
19/02/13-12:15:59	*919145341098	2:00	2	07/03/13-11:33:39	02222020752	1:00	1
19/02/13-12:24:53	*919145341098	2:00	2	07/03/13-17:35:13	*9191321999972	1:00	1
19/02/13-14:47:53	919920477447	1:00	1	07/03/13-17:38:10	02222044476	1:00	1
19/03/13-16:22:20	09820565305	1:00	1	07/03/13-19:05:56	09920485307	1:00	1
20/02/13-11:15:14	02222020752	1:00	1	07/03/13-22:06:20	*09821252315	2:00	2
20/02/13-11:15:14	02222020752	1:00	1	07/03/13-22:07:21	*09821252315	1:00	1
20/02/13-11:16:22	*918149925337	1:00	1	07/03/13-22:08:40	*09821252315	1:00	1
20/02/13-12:21:46	09833631949	1:00	1	07/03/13-22:10:44	*09821252315	1:00	1
20/02/13-12:25:33	*919322786621	1:00	1	08/03/13-10:40:38	*919320057915	2:00	2
20/02/13-15:29:09	09920477447	1:00	1	08/03/13-22:55:11	*919833116335	1:00	1
20/02/13-15:38:19	919820124001	3:00	3	08/03/13-23:47:46	*919920229219	1:00	1
20/02/13-15:46:21	*09867170755	1:00	1	09/03/13-00:08:57	*9193219999972	1:00	1
20/02/13-20:06:40	02224310270	1:00	1	11/03/13-09:27:58	09820283375	1:00	1
21/02/13-12:36:23	09833631949	1:00	1	11/03/13-16:56:44	*91932423344	1:00	1
21/02/13-12:37:49	919833631949	1:00	1	11/03/13-19:44:37	*919820858627	4:00	4
21/02/13-17:15:17	*919145341098	8:00	8	12/03/13-11:54:49	*09870322984	1:00	1
21/02/13-17:58:44	*919145341090	2:00	2	13/03/13-10:49:24	02222020752	1:00	1
22/02/13-05:25:23	*09821093432	1:00	1	13/03/13-10:50:26	09167115198	1:00	1
22/02/13-05:29:42	*09821093432	1:00	1	13/03/13-13:57:21	*09220321999	1:00	1
22/02/13-05:31:18	*09821093432	1:00	1	13/03/13-14:01:51	*09867279417	1:00	1
22/02/13-05:34:45	*09821093432	1:00	1	13/03/13-15:18:56	0983364246	1:00	1
22/02/13-06:21:11	*919967554427	1:00	1	13/03/13-16:23:22	*919967554427	1:00	1
22/02/13-20:18:34	*09833631949	1:00	1	13/03/13-17:09:51	*919967554427	1:00	1
22/02/13-20:22:06	*919145341098	1:00	1	13/03/13-22:25:36	*919324051010	2:00	2
23/02/13-03:33:14	02222044476	2:00	2	14/03/13-12:03:13	*919819846333	1:00	1
23/02/13-10:34:11	*919821223456	2:00	2	14/03/13-14:13:23	*919145341090	1:00	1
23/02/13-10:34:49	*919821223456	1:00	1	14/03/13-17:56:01	*919145341098	1:00	1
23/02/13-13:46:38	02243402900	1:00	1	15/03/13-13:08:19	*91902002745	2:00	2
25/02/13-12:46:08	*919820618765	1:00	1	15/03/13-15:31:15	*919821223456	1:00	1
26/02/13-11:06:55	02222020752	1:00	1	15/03/13-16:22:11	09820290730	1:00	1
26/02/13-11:11:27	09619184170	1:00	1	15/03/13-18:49:29	*919849994397	1:00	1
26/02/13-11:43:30	*919920477447	1:00	1	15/03/13-20:52:35	09020203375	1:00	1
26/02/13-15:29:13	09920477447	1:00	1	16/03/13-13:29:42	*919324688547	1:00	1
26/02/13-17:33:31	*919145341098	1:00	1	Total	107 Calls	152:00	152.00
26/02/13-18:31:30	*919145341098	1:00	1	STD			
26/02/13-18:33:08	*919145341098	1:00	1	23/02/13-12:00:06	*094470720097	1:00	1
26/02/13-18:45:10	*098767225978	1:00	1	25/02/13-08:55:42	*09447053243	1:00	1
26/02/13-18:48:19	*919145341090	1:00	1	26/02/13-14:05:02	*09447165651	1:00	1
26/02/13-19:00:27	*919145341098	1:00	1	27/02/13-16:11:24	*919497704631	1:00	1
27/02/13-10:52:45	02222020752	2:00	2	27/02/13-17:22:15	*919497704631	1:00	1
27/02/13-11:01:11	09619184170	1:00	1	17/03/13-20:51:06	*09447165651	2:00	2
27/02/13-11:02:50	09619184170	1:00	1	ISD			
27/02/13-13:44:26	022220602230	1:00	1	06/03/13-21:53:45	50944911101	1:00	15
27/02/13-16:10:01	*09029934716	13:00	13	Total	6 Calls	3:00	15.00
27/02/13-16:10:50	09167115190	1:00	1	GPRS (Usage In KB)			
27/02/13-19:06:24	*919967554427	1:00	1	22/02/13	VF Mobile Connect	Usage (In KB)	Charges (Rs)
28/02/13-07:14:17	*919967554427	2:00	2	23/02/13	VF Mobile Connect	550	0.00
28/02/13-14:49:25	9930838835	1:00	1	24/02/13	VF Mobile Connect	2530	0.00
28/02/13-16:05:16	09820613359	1:00	1	25/02/13	VF Mobile Connect	3240	0.00
28/02/13-17:44:40	*919503186175	2:00	2	26/02/13	VF Mobile Connect	1620	0.00
28/02/13-18:40:24	09322511500	6:00	6	27/02/13	VF Mobile Connect	2560	0.00
28/02/13-20:46:43	09322511500	3:00	3	28/02/13	VF Mobile Connect	4860	0.00
01/03/13-14:07:23	*919967554427	1:00	1	01/03/13	VF Mobile Connect	1700	0.00
01/03/13-14:08:25	02222044476	1:00	1	02/03/13	VF Mobile Connect	1560	0.00
02/03/13-11:17:46	09322511500	1:00	1	03/03/13	VF Mobile Connect	1480	0.00
03/03/13-20:03:28	*09092033360	2:00	2	04/03/13	VF Mobile Connect	1740	0.00
04/03/13-10:53:07	919819846333	1:00	1	05/03/13	VF Mobile Connect	1920	0.00
04/03/13-10:56:31	919819846333	1:00	1	06/03/13	VF Mobile Connect	1630	0.00
04/03/13-10:58:58	*919029648281	1:00	1	07/03/13	VF Mobile Connect	2010	0.00
04/03/13-12:16:03	09920477447	1:00	1	08/03/13	VF Mobile Connect	1930	0.00
04/03/13-13:41:17	919819846333	2:00	2	09/03/13	VF Mobile Connect	1710	0.00
04/03/13-13:55:50	919819846333	1:00	1	10/03/13	VF Mobile Connect	1700	0.00
04/03/13-14:12:01	09820291687	1:00	1			1880	0.00
04/03/13-14:26:09	09920254733	1:00	1				
04/03/13-16:53:18	*918898003388	1:00	1				
06/03/13-08:41:46	09619337445	1:00	1				
06/03/13-10:44:13	*918149925337	1:00	1				
06/03/13-10:44:49	919833116335	1:00	1				
06/03/13-10:46:18	*919821029304	1:00	1				
06/03/13-10:46:57	*919967554427	1:00	1				

** Includes call at discounted rate
* Includes call in mobile numbers not on Vodafone
sms BILL to 111 (toll free) for bill information

46 333 - Tejwani
60251 - Akash
91 687 - Phe
54 733 - Adhian

Itemised calls

Mr. Mathews Nedumpara

Relationship no. 1.6132072

Vodafone no. 9820535428

Local pulse rate: VF 2 VF 60 seconds and VF 2 Others 60 seconds
(for details refer back of page 1)

DD/MM/YY-Time	Number	Duration (min:sec)	Charges (Rs)	DD/MM/YY-Time	Number	Duration (min:sec)	Charges (Rs)
SMS - local				SMS - national			
15/03/13-20:28:13	*918149925337	0:00	1	23/02/13-10:30:51	409447603144	0:00	1.5
15/03/13-20:32:58	*919021980003	0:00	1	23/02/13-12:24:23	*08606111104	0:00	1.5
15/03/13-20:43:54	*919821035649	0:00	1	23/02/13-12:24:32	91999808086	0:00	1.5
15/03/13-20:48:44	*918149925337	0:00	1	23/02/13-12:24:42	919817308496	0:00	1.5
15/03/13-20:51:49	09820282665	0:00	1	23/02/13-15:47:50	*919447165651	0:00	1.5
15/03/13-21:01:39	*919069405846	0:00	1	23/02/13-15:48:16	*919447165651	0:00	1.5
15/03/13-21:01:41	*919322905405	0:00	1	23/02/13-18:23:56	91999808086	0:00	1.5
16/03/13-10:17:26	919820124001	0:00	1	24/02/13-17:18:07	*919447165651	0:00	1.5
16/03/13-11:59:29	*918898961847	0:00	1	24/02/13-17:19:01	919825303113	0:00	1.5
16/03/13-13:34:44	*919324688547	0:00	1	24/02/13-20:33:20	91999808086	0:00	1.5
16/03/13-13:34:46	*919324688547	0:00	1	24/02/13-20:33:22	91999808086	0:00	1.5
16/03/13-14:05:46	*918149925337	0:00	1	24/02/13-20:33:44	*919840922819	0:00	1.5
16/03/13-14:06:56	*918149925337	0:00	1	24/02/13-20:33:46	*919840922819	0:00	1.5
16/03/13-14:06:59	*919503106175	0:00	1	24/02/13-20:35:08	91999808086	0:00	1.5
16/03/13-16:15:24	919820237498	0:00	1	24/02/13-20:35:10	91999808086	0:00	1.5
16/03/13-23:00:26	919820237498	0:00	1	25/02/13-11:44:45	91999808086	0:00	1.5
16/03/13-23:00:29	*919821319797	0:00	1	25/02/13-11:44:49	91999808086	0:00	1.5
16/03/13-23:02:20	*919867616564	0:00	1	25/02/13-11:45:00	*919040922019	0:00	1.5
16/03/13-23:02:30	09820282665	0:00	1	25/02/13-11:45:10	*919840922819	0:00	1.5
16/03/13-23:02:33	*095945090780	0:00	1	25/02/13-16:02:33	*09810095949	0:00	1.5
16/03/13-23:02:37	*09522015401	0:00	1	26/02/13-05:03:40	*919466078700	0:00	1.5
16/03/13-23:03:58	*09522015401	0:00	1	26/02/13-05:03:42	*919466078700	0:00	1.5
16/03/13-23:04:28	09833148249	0:00	1	26/02/13-05:03:50	*919677553366	0:00	1.5
16/03/13-23:04:28	*09833148249	0:00	1	26/02/13-05:03:52	*919677553366	0:00	1.5
16/03/13-23:08:26	*09922070445	0:00	1	26/02/13-09:27:56	*09810095949	0:00	1.5
17/03/13-07:38:20	*090021900003	0:00	1	26/02/13-09:30:08	099377771201	0:00	1.5
17/03/13-07:40:00	*09892033560	0:00	1	26/02/13-09:30:12	919825303113	0:00	1.5
17/03/13-11:23:19	09820291687	0:00	1	26/02/13-09:31:24	*919466078700	0:00	1.5
17/03/13-11:23:47	*910821319797	0:00	1	26/02/13-09:31:26	*919466078700	0:00	1.5
17/03/13-11:28:22	*919028323633	0:00	1	26/02/13-09:32:22	*919466078700	0:00	1.5
17/03/13-11:34:13	09020291687	0:00	1	26/02/13-09:32:24	*919466078700	0:00	1.5
17/03/13-11:34:22	*09322015401	0:00	1	26/02/13-22:14:09	*919466078700	0:00	1.5
17/03/13-11:34:26	*09821212485	0:00	1	27/02/13-07:05:40	*919447603144	0:00	1.5
17/03/13-11:34:26	*09922070445	0:00	1	27/02/13-07:31:29	*919447165651	0:00	1.5
17/03/13-11:34:33	*919657535399	0:00	1	27/02/13-15:05:37	*919447165651	0:00	1.5
17/03/13-11:52:59	*090021980003	0:00	1	27/02/13-15:05:33	*919447165651	0:00	1.5
17/03/13-11:53:03	*09022010265	0:00	1	27/02/13-16:18:29	*919447165651	0:00	1.5
17/03/13-16:16:37	*919867616564	0:00	1	27/02/13-16:26:00	*919447165651	0:00	1.5
17/03/13-19:25:33	919833631949	0:00	1	27/02/13-16:55:30	*919447165651	0:00	1.5
17/03/13-20:20:27	*919657535399	0:00	1	27/02/13-17:11:14	*919810245068	0:00	1.5
17/03/13-20:57:45	*919322857060	0:00	1	01/03/13-10:37:14	*919810245068	0:00	1.5
17/03/13-21:02:45	*919322857060	0:00	1	01/03/13-18:37:45	*09810246098	0:00	1.5
17/03/13-21:39:26	*919322857060	0:00	1	01/03/13-18:37:47	*09810246098	0:00	1.5
17/03/13-22:40:59	*09819101757	0:00	1	01/03/13-18:41:05	91999808086	0:00	1.5
17/03/13-22:53:06	*09819101757	0:00	1	01/03/13-18:41:09	91999808086	0:00	1.5
17/03/13-22:53:50	919833631949	0:00	1	01/03/13-21:35:43	*919447165651	0:00	1.5
17/03/13-22:56:31	919920477447	0:00	1	01/03/13-22:02:53	*919840922819	0:00	1.5
17/03/13-23:00:18	919920477447	0:00	1	02/03/13-10:59:44	*919447165651	0:00	1.5
17/03/13-23:01:39	919820021277	0:00	1	03/03/13-19:40:44	*91999808086	0:00	1.5
17/03/13-23:03:21	919920477447	0:00	1	03/03/13-21:52:48	*08606111184	0:00	1.5
17/03/13-23:04:03	919820021277	0:00	1	05/03/13-11:34:00	*919840922819	0:00	1.5
17/03/13-23:04:40	919820477447	0:00	1	05/03/13-11:34:02	91984342800	0:00	1.5
Total	1209 Messages		1209.00	06/03/13-14:23:50	*919926053333	0:00	1.5
SMS - national				07/03/13-23:39:53	*919926053333	0:00	1.5
19/02/13-11:46:13	*919447603005	0:00	1.5	09/03/13-15:11:09	*919447165651	0:00	1.5
19/02/13-11:46:28	*919447603005	0:00	1.5	09/03/13-16:09:18	*919447165651	0:00	1.5
19/02/13-11:46:39	*919447603005	0:00	1.5	10/03/13-20:10:57	*919926053333	0:00	1.5
19/02/13-14:31:21	*919926053333	0:00	1.5	10/03/13-17:56:14	*09810246098	0:00	1.5
20/02/13-00:03:02	09820282665	0:00	1.5	10/03/13-17:56:17	*09810246098	0:00	1.5
20/02/13-10:27:04	*919447165651	0:00	1.5	12/03/13-09:12:01	*919447165651	0:00	1.5
20/02/13-13:10:46	*919926053333	0:00	1.5	12/03/13-09:12:04	*919447165651	0:00	1.5
20/02/13-22:14:32	*918088855185	0:00	1.5	12/03/13-10:54:46	*919926053333	0:00	1.5
22/02/13-06:27:58	*919447165651	0:00	1.5	12/03/13-13:06:06	*919926053333	0:00	1.5
22/02/13-20:14:02	*919447165651	0:00	1.5	12/03/13-13:09:57	*919926053333	0:00	1.5
22/02/13-21:07:15	*919447165651	0:00	1.5	12/03/13-15:03:21	*919926053333	0:00	1.5
22/02/13-23:24:53	*919447165651	0:00	1.5	12/03/13-21:30:34	*919447165651	0:00	1.5
22/02/13-23:49:09	*919447165651	0:00	1.5	12/03/13-21:30:35	*919447165651	0:00	1.5
23/02/13-10:30:41	*08606111184	0:00	1.5	12/03/13-22:49:23	*919447165651	0:00	1.5
23/02/13-10:30:46	*09947933784	0:00	1.5	13/03/13-12:38:04	91999808086	0:00	1.5

* Indicates calls to mobile numbers not on Vodafone
sms BILL to 111 (toll free) for bill information

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Itemised calls

Mr. Mathews Nedumpara

Relationship no. 1.6132072

Vodafone no. 9820535428

Local pulse rate: VF 2 VF 60 seconds and VF 2 Others 60 seconds
(for details refer back of page 1)

DD/MM/YY-Time	Number	Duration (min:sec)	Charges (Rs)	DD/MM/YY-Time	Number	Duration (min:sec)	Charges (Rs)
SMS - local				SMS - local			
05/03/13-15:59:30	*918898003388	0:00	1	06/03/13-23:17:41	*919029954716	0:00	1
05/03/13-16:00:17	*918898003388	0:00	1	06/03/13-23:20:49	*919029954716	0:00	1
05/03/13-16:01:34	*919029954716	0:00	1	06/03/13-23:20:52	*919967554427	0:00	1
05/03/13-16:27:01	*919029954716	0:00	1	06/03/13-23:20:56	09167115198	0:00	1
05/03/13-16:30:03	09820291687	0:00	1	06/03/13-23:21:00	09619184170	0:00	1
05/03/13-18:34:50	*919664004499	0:00	1	06/03/13-23:21:04	*08898961847	0:00	1
05/03/13-21:55:27	*919029954716	0:00	1	06/03/13-23:21:10	*919322788621	0:00	1
05/03/13-23:23:30	*919967554427	0:00	1	07/03/13-05:58:19	*919967554427	0:00	1
05/03/13-23:23:37	*919069994397	0:00	1	07/03/13-05:58:23	*08898961847	0:00	1
05/03/13-23:24:01	919820638765	0:00	1	07/03/13-05:58:27	*919322788621	0:00	1
05/03/13-23:25:14	09833703194	0:00	1	07/03/13-05:58:31	*919029954716	0:00	1
05/03/13-23:25:19	*910149925337	0:00	1	07/03/13-05:58:35	*918149925337	0:00	1
05/03/13-23:25:23	*919967554427	0:00	1	07/03/13-05:58:39	*919320057515	0:00	1
05/03/13-23:25:30	919920477447	0:00	1	07/03/13-06:23:55	*918898003388	0:00	1
06/03/13-08:11:58	*919967554427	0:00	1	07/03/13-06:23:58	*918898003388	0:00	1
06/03/13-08:15:39	*919821035649	0:00	1	07/03/13-08:46:13	*09322255439	0:00	1
06/03/13-08:15:42	*919821035649	0:00	1	07/03/13-08:46:18	*09322255439	0:00	1
06/03/13-08:15:59	*0923217515	0:00	1	07/03/13-08:47:05	919819846333	0:00	1
06/03/13-08:16:01	*0923217515	0:00	1	07/03/13-08:53:54	*919021319707	0:00	1
06/03/13-08:23:34	*919869994397	0:00	1	07/03/13-08:54:16	*919321999972	0:00	1
06/03/13-09:34:24	*919503186175	0:00	1	07/03/13-08:56:06	*919029954716	0:00	1
06/03/13-10:41:57	919833118335	0:00	1	07/03/13-08:56:00	*919967554427	0:00	1
06/03/13-11:56:48	919920405387	0:00	1	07/03/13-08:56:11	09833703194	0:00	1
06/03/13-11:59:18	919920477447	0:00	1	07/03/13-10:49:36	*919322857060	0:00	1
06/03/13-12:01:19	919920477447	0:00	1	07/03/13-11:10:29	*919321999972	0:00	1
06/03/13-12:01:14	919920477447	0:00	1	07/03/13-11:11:41	*91766687222	0:00	1
06/03/13-12:33:25	919920485387	0:00	1	07/03/13-11:20:37	*918898961847	0:00	1
06/03/13-12:38:12	*919320057515	0:00	1	07/03/13-11:58:21	*918898961847	0:00	1
06/03/13-12:39:48	09619184170	0:00	1	07/03/13-12:12:36	919833631949	0:00	1
06/03/13-12:40:47	*919821029304	0:00	1	07/03/13-13:32:20	*919967554427	0:00	1
06/03/13-12:42:43	*919320057515	0:00	1	07/03/13-13:32:32	*919029954716	0:00	1
06/03/13-13:36:25	*918898961847	0:00	1	07/03/13-13:35:46	*919967554427	0:00	1
06/03/13-14:41:11	*919323784517	0:00	1	07/03/13-13:58:09	*919021319707	0:00	1
06/03/13-14:41:45	*09021029304	0:00	1	07/03/13-14:07:15	09033148249	0:00	1
06/03/13-14:46:32	*919321999972	0:00	1	07/03/13-14:07:17	09033148249	0:00	1
06/03/13-14:55:54	919769230747	0:00	1	07/03/13-15:38:08	*919321999972	0:00	1
06/03/13-14:58:29	09167115198	0:00	1	07/03/13-15:38:40	*919321999972	0:00	1
06/03/13-14:58:31	09167115198	0:00	1	07/03/13-17:20:31	*09820274838	0:00	1
06/03/13-14:58:36	919769230747	0:00	1	07/03/13-17:20:33	09020274838	0:00	1
06/03/13-14:58:37	919769230747	0:00	1	07/03/13-17:46:04	*919021252315	0:00	1
06/03/13-15:07:14	919820638765	0:00	1	07/03/13-17:46:54	*919869994397	0:00	1
06/03/13-15:50:40	*918898003388	0:00	1	07/03/13-17:47:41	919820231974	0:00	1
06/03/13-16:40:07	*919821252315	0:00	1	07/03/13-17:53:40	09920485387	0:00	1
06/03/13-17:23:19	*919822403643	0:00	1	07/03/13-17:53:43	09920485387	0:00	1
06/03/13-18:52:55	09619184170	0:00	1	07/03/13-17:57:41	*919322857060	0:00	1
06/03/13-19:15:28	919820021277	0:00	1	07/03/13-18:23:57	*919322857060	0:00	1
06/03/13-19:15:32	919920477447	0:00	1	07/03/13-18:24:40	919020231974	0:00	1
06/03/13-19:15:37	*919967554427	0:00	1	07/03/13-18:24:50	919820231974	0:00	1
06/03/13-19:15:42	919820795532	0:00	1	07/03/13-18:26:25	*919821252315	0:00	1
06/03/13-19:15:46	*919029954716	0:00	1	07/03/13-18:42:21	*919869994397	0:00	1
06/03/13-19:17:31	*918898961847	0:00	1	07/03/13-18:44:35	919920405387	0:00	1
06/03/13-19:17:36	*09087170756	0:00	1	07/03/13-18:49:23	*919869994397	0:00	1
06/03/13-19:48:45	*919322857060	0:00	1	07/03/13-19:05:39	*919321999972	0:00	1
06/03/13-20:40:00	919920477447	0:00	1	07/03/13-20:50:34	*918149925337	0:00	1
06/03/13-20:40:04	919820795532	0:00	1	07/03/13-20:50:39	*919321999972	0:00	1
06/03/13-20:40:08	*919967554427	0:00	1	07/03/13-20:51:11	919820795532	0:00	1
06/03/13-20:40:12	*919029954716	0:00	1	07/03/13-20:53:01	*919320057515	0:00	1
06/03/13-20:53:40	*090892031560	0:00	1	07/03/13-20:53:05	*918149925337	0:00	1
06/03/13-20:53:44	*090892031560	0:00	1	07/03/13-20:53:10	*919320057515	0:00	1
06/03/13-20:53:49	919820021277	0:00	1	07/03/13-21:22:21	*919320057515	0:00	1
06/03/13-20:53:51	919820021277	0:00	1	08/03/13-09:14:25	*919821252315	0:00	1
06/03/13-20:53:56	919920477447	0:00	1	08/03/13-09:14:27	*919320057515	0:00	1
06/03/13-20:53:59	919920477447	0:00	1	08/03/13-11:02:43	*919320057515	0:00	1
06/03/13-20:54:04	*919320057515	0:00	1	08/03/13-11:08:03	*919321999972	0:00	1
06/03/13-20:54:06	*919320057515	0:00	1	08/03/13-11:08:05	*919820795532	0:00	1
06/03/13-20:54:11	*910149925337	0:00	1	08/03/13-11:08:10	919820795532	0:00	1
06/03/13-20:54:14	*910149925337	0:00	1	08/03/13-11:08:13	*919029954716	0:00	1
06/03/13-20:54:18	*919967554427	0:00	1	08/03/13-11:08:18	*919029954716	0:00	1
06/03/13-20:54:21	*919967554427	0:00	1	08/03/13-11:08:20	919819546623	0:00	1
06/03/13-20:54:26	*919029954716	0:00	1	08/03/13-11:08:23	919019546623	0:00	1
06/03/13-20:54:29	*919029954716	0:00	1	08/03/13-11:09:30	*918898003388	0:00	1
06/03/13-20:54:32	*919029954716	0:00	1	08/03/13-11:09:32	*918149925337	0:00	1
06/03/13-21:12:10	*919821093432	0:00	1	08/03/13-11:09:37	*910149925337	0:00	1
	*09087170756	0:00	1		*919503186175	0:00	1

* indicates calls to mobile numbers not on Vodafone
SMS BTL to 111 (toll free) for bill information

Pg 11 of 17

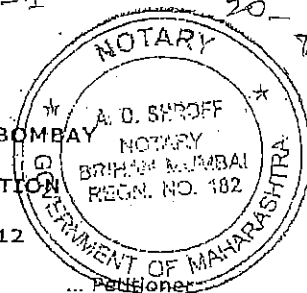
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Exhibit E

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Exhibit "A-1"

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 2001 of 2012



Mohan Tejwani

Vs

Authorised Officer

Jankalyan Sahakari Bank Ltd., and Ors.,

... Respondent

I, A. S. Tambe, the Asst. General Manager of Janakalyan Sahakari Bank Ltd., above named having my address at 140, Sindhi Society, Chembur, Mumbai 400 071 do hereby solemnly declare and state as follows :

1. I say that I am working with Janakalyan Sahakari Bank Ltd., since 1999.
2. In the course of the banking business, the Bank had granted, sanctioned and disbursed various credit facilities to the followings:

Sr. No.	Name of the Borrower
1.	M/s. Quality Papers
2.	M/s. Star Enterprises
3.	M/s. Stellar Technologies
4.	M/s. Arjun Marketing Services
5.	M/s. Excel Industries
6.	M/s. Arjun Papers Processing Pvt. Ltd.
7.	Mrs. Lalita Mohan Tejwani and Mr. Nitin Mohan Tejwani

The repayment of the facilities sanctioned to the aforesaid Borrowers were secured amongst other securities by the mortgage of the premises viz. Flat Nos. 19 and 20, 4th Floor, Blue Heaven, Plot No. 5, Off Carter Road, Khar Danda, Khar (West), Mumbai - 400 052 belonging to Ms. Lalita Mohan Tejwani and Mr. Mohan Tejwani and Others.



...2/-

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3. The Bank had invoked the provisions of SARFAESI Act by issuing requisite notice under Section 13(2) of the said Act and for enforcement of its security interest in their aforesaid secured assets, they have taken measures under Section 13(4) of the said Act. Simultaneously, Bank had also filed Applications under Section 101 of Maharashtra Co-operative Societies Act, 1960 and pursuant to issuance of two separate Recovery Certificates issued against the Mr. Mohan Tejawani and Ms. Lalita Tejawani and others in respect of the aforesaid mortgaged properties, the Bank through its Special Recovery and Sales Officer has initiated execution proceedings under the provisions of Maharashtra Co-operative Societies Rules, 1961.
4. Being aggrieved by the action initiated by the Special Recovery and Sales Officer to sell the aforesaid mortgaged / attached properties, the said Mr. Mohan Tejawani and Ms. Lalita Tejawani by invoking writ jurisdiction to this Hon'ble Court had filed two separate Writ Petitions not only to challenge the action initiated by the Bank but had also challenged the constitutional validity of Section 101 read with Section 154(2) (a) of Maharashtra Co-operative Societies Act, 1960.
5. Pursuant to the Public Notice for sale of the secured assets, the Special Recovery and Sales Officer called upon Mr. Mohan Tejawani to remain present on 4th March, 2013 at the said suit flat premises so as to offer inspection of the same to the intending Purchaser.
6. I say that as per the appointment fixed on 4th March, 2013 at 11.00 a.m., the said Special Recovery Officer had visited the said property for the purposes of offering inspection thereof. I was on leave on the said day. At about 11.22 a.m., I have received a phone call from a Mobile Number viz: 9820535428. On receiving the said call, to my utter shock and surprise, the person calling informed me following :

..3/-



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"I am Vazifdar hear, Matthews is before me. Ask your Advocate to call me"

7. I say that after hearing the said telephonic call, I have informed Mr. Mohnish Rajak, who was at site of receiving such call and information and requested to take up the matter with our Advocate to take proper note of the same.

8. I on subsequently attending the office, on verifying the records and papers and proceedings, It is revealed that the said mobile number is belongs to the firm of the Advocates for the Petitioner viz. Nedumpara and Nedumpara. Hereto annexed and marked Exhibit "A" is the copy of the letterhead of the said Advocate evidencing the said mobile number on their letterhead.

9. Though at the instructions of my Advocate, I have attempted to procure the transcript from my mobile subscriber, I have been informed that unless there is a specific order obtained either from the Court and or from the concerned authority, the same will not be made available to me.

Solemnly declared at Mumbai

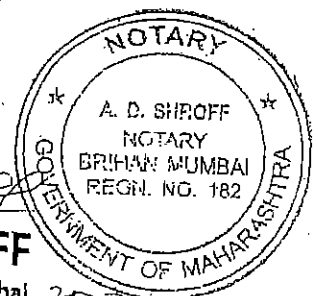
Dated this 25th day of March, 2013

M/s. V. Deshpande & Co.
Advocate for the Respondent

For JANAKALYAN SAHAKARI BANK LTD.

Asst General Manager
Recovery Dept.

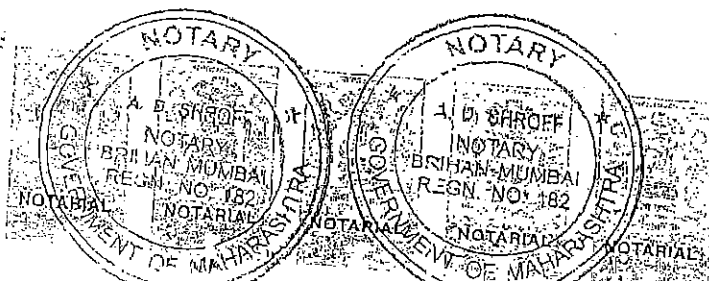
Before me,



A. D. Shroff
A. D. SHROFF

Notary Greater Mumbai
Shop No. 200, Dr. C. G. Road,
Opp. B.J.P. Office,
Chembur Colony, Mumbai - 400 074

Entry No 461
2013



//True Copy//

Exhibit "F"

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~~EXHIBIT "C"~~

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915-nmw/175-2013

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

NOTICE OF MOTION (L) NO.175 OF 2013

IN

WRIT PETITION (L) NO.2772 OF 2012

Lalita Mohan Tejawani

.. Applicant
(Orig. Petitioner)

In the matter between

Mrs. Lalita Mohan Tejawani
V/s.

Petitioner

Special Recovery Officer &
Sales Officer & Others

.. Respondents.

WITH

SUO MOTU CONTEMPT PETITION No. of 2013

High Court, Bombay
V/s.

.. Petitioner

Mr. Mathews J. Nedumpara
& Another

.. Respondents.

Mr. Mathews J. Nedumpara, for the Petitioner/Applicant.

Mr. D. J. Khambata, Advocate General with Ms. Geeta Shastri, Addl. G. P.
for the Respondent-State.

Mr. Ashish Kamat, for Respondent No.2.

Mr. Rahul Bathra, Mr. Yogesh and Ms. Nayna Rane i/b. D. H. Law
Associates for Idea Cellular Ltd., present.

Mr. Punit Anand, for Vodafone, present.

CORAM: MOHIT S. SHAH, C.J. &
M.S.SANKLECHA, J.

DATE : 20 JUNE 2013.

PC:-

This notice of motion has been taken out by Mrs. Lalita

S.R. JOSHI

1 of 7

915-nmw-175-2013

Mohan Tejawani who was Petitioner in Writ Petition (L) No. 2772 of 2012.

2 Writ Petition (L) No.2001 of 2012 was filed by the husband (Mr. Mohan Tejawani) and Writ Petition (L) No.2772 of 2012 was filed by the wife (Mrs. Lalita Mohan Tejawani) who had borrowed sums of Rs.1.50 Crores and Rs.1.25 Crores in the year 2006 from Janakalyan Sahakari Bank Ltd. The said Petitioners did not repay the loan amounts leading to issue of recovery certificates from the Bank for sums of Rs.1.64 Crores and Rs.1.86 Crores with interest thereon @ 13% p. a. from 1 November 2012.

3 The Petitioners had challenged the said recovery certificates and also challenged the constitutional validity of Sections 101 and 154 (2A) of Maharashtra Co-operative Societies Act, 1960 and by Judgment dated 8 March 2013, the Writ Petitions came to be dismissed. The Writ Petitions were argued by Mr. Mathews J. Nedumpara appearing for the Writ Petitioners.

4 Thereafter, the present Notice of Motion was taken out. By this Notice of Motion, the Petitioner sought initiation of contempt proceedings against respondent No.8 who was the Counsel for Janakalyan Sahakari Bank Ltd. and had made statements to Court on 8 March 2013 about the conduct of the Petitioner's Advocate Mr. Mathews J.

S. K. JOSHI

2 of 7

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915-nmw1-175-2013

Nedumpara.

5 When the present Notice of Motion was called out on 8 May 2013, the learned Counsel appearing for the Authorized Officer of Jankalyan Sahakari Bank Ltd., (the Respondent No.2 herein) rendered an Affidavit dated 25 March 2013 of Mr. A. S. Tambe, Assistant General Manager of Janakalyan Sahakari Bank Ltd., which indicates that a person posing himself as a Sitting Judge of this Court spoke to Mr. A. S. Tambe from a mobile phone which is traced to be that of Mr. Mathews J. Nedumpara.

6 The learned Counsel for the Respondent-Bank states that there is a mistake in paragraphs 5 and 6 of the affidavit dated 25 March 2013 of Mr. A. S. Tambe that the date 5 March 2013 should be read as corrected to 4 March 2013. We allow/grant permission to Mr. A. S. Tambe to make and carry out the above correction.

7 In view of the fact that the affidavit as filed by Mr. Tambe, Asst. General Manager of the Bank, brings on record the facts as transpired between the Advocate for the petitioner Mathews J. Nedumpara and himself, it was clear that the respondent No.8 who was the Counsel for the bank mentioned the facts to the Court as informed to him by his client. Therefore, the respondent No.8 being the Counsel for

S.R. JOSHI

915-nmw-175-2013

the Bank and respondent No.9 i. e. Bar Council of Maharashtra & Goa were ordered to be deleted from the array of the parties by our order dated 8 May 2013. This was so as there appeared to be no justification for initiating contempt proceedings against respondent No.8. Further, on that date, the learned Advocate General was requested to assist the Court.

8 It is submitted that the affidavit states that Mr. Tambe had a conversation with a person having Mobile Number viz: 9820535428 and the person at the other end told him that "I am (name of a sitting Judge of this Court) here, Matthews is before me. Ask your Advocate to call me." The affidavit of Tambe, further states that the said mobile belongs to the firm of Advocates- M/s. Nedumpara and Nedumpara, who appear for the Petitioner.

9 In view of the above affidavit, on 13 June 2013 after hearing the parties, this Court directed the service providers - Vodafone Ltd. and Idea Cellular Ltd. to place on record the call details of three cell numbers - 9820535428, 9819846333 and 8108066202 for 4 March 2013 and 5 March 2013. This information was necessary to determine whether there is any element of truth in the allegations made in the affidavit dated 25 March 2013 of Mr. Tambe.

10 Today, affidavits have been filed on behalf of the said service

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providers, placing on record the call details. Copies of the affidavits filed by the service providers are also served upon Advocate Mr. Nedumpara in Court. We also directed the service of a copy of the affidavit of Mr. A. S. Tambe dated 25 March 2013 which was kept in a sealed cover, upon Advocate Mr. Mathews J. Nedumpara and the same was done in our presence. On perusal of the call records, we find that there has been contact between the above three mobile cell numbers.

11 As per the affidavit filed on behalf of Vodafone (India) Ltd. the number 9820535428 is subscribed in the name of Mr. Mathews J. Nedumpara and mobile number 9819846333 is of Mr. Sanjeev Mohan Tejwani, who is son of the Petitioner. While as per the affidavit filed on behalf of Idea Cellular Ltd., the mobile number 8108066202 is subscribed in the name of Mr. Sanjay V. Kale address at Jankalyan Sahakari Bank Ltd. Chembur, Mumbai 400 071. Learned Counsel for Respondent-Bank states that mobile no. 8108066202 is presently being used by Mr. A. S. Tambe, Assistant General Manager of the Respondent-Bank. Advocate Mr. Mathews J. Nedumpara admits that the mobile no. 9820535428 is his own mobile number.

12 In view of the contents of the affidavits of service providers, it appears that the statements made in the affidavit of Mr. A. S. Tambe if

S.R. JOSHI

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correct, would amount to criminal contempt on the part of the person who spoke from cell no.9820535428 to Mr. A. S. Tambe. As per the record of Vodafone, the said cell number is of Advocate Mr. Mathews J. Nedumpara and Mr. Mathews J. Nedumpara admits that it is his mobile number. In view of the above, it appears that this is a fit case for initiating Suo Motu proceedings under the Contempt of Courts Act, 1971 and Advocate Mr. Mathews J. Nedumpara be joined as respondent No.1 and State of Maharashtra as respondent No.2 in the Suo Motu Contempt Proceedings.

13 The Registry to issue notice to Mr. Mathews J. Nedumpara to show cause why appropriate action should not be taken against him for Criminal Contempt as defined in the Contempt of Courts Act, 1971. Since, this Court is only issuing a notice and not issuing a rule at this stage, no further observations are called for.

14 Ms. Geeta Shastri, AGP waives service of notice for State of Maharashtra.

15 This Suo Motu notice for Criminal contempt along with Notice of Motion (L) No.175 of 2013 shall be placed before the appropriate Bench.

S. R. JOSHI

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915-nmw-175-2013

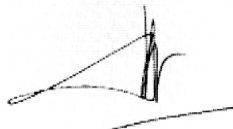
16 Since the affidavit of service provider would be material evidence, the Officers shall remain present on the next date of hearing.

17 Affidavit in reply shall be filed by 15 July, 2013. Matter shall be listed before the appropriate Bench on 22 July 2013.

(CHIEF JUSTICE)

(M.S.SANKLECHA,J.)

S. D. JOSHI



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Exhibit "G"101
90/MISC/2013

IN THE COURT OF THE LEARNED CHIEF METROPOLITAN MAGISTRATE,
3rd COURT, ESPLANADE, MUMBAI.
CRIMINAL CASE NO. 179 BW/2013 OF 2013

Mathews J. Nedumpara,
Advocate,
residing at Harbour Heights, "W" Wing,
12-F, 12th Floor, Sassoon Docks,
Colaba, Mumbai-400 005.

Complainant

Versus

1. Shri R. S. Tambe,
Authorized Officer (Retired),
Jankalyan Sahakar Bank Ltd.,
140, Sindhi Society, Vivek Darshan,
Opposite Bhakil Bhavan,
Chembur, Mumbai-400 071.
2. Dr. Birendrakumar B. Saraf,
Advocate, residing at 42, Seelam,
Cuffe Parade, Mumbai-400 005.

Accused

Criminal Complaint filed under Section 190 read
with Section 200 of the Criminal Procedure Code.
Charges u/s 193, 209, 500 & 501(b) r/w Sec. 34 of
Indian Penal Code.



MAY IT PLEASE YOUR WORSHIP:

1. The address for the purpose of process and notice on both complainant and Accused are as that of the address as shown in the cause title. The Complainant can also be served through his Advocate Mrs. Röhini M. Amla and Mr. Navaneetha Krishnan T, having office at 28, Vasudev Mahalon, 30-F, Cawasji Patel Street, Opp. Azdant Bakery, Fort, Mumbai-400001.

TRUE COPY
of the
original
filed in
the Court
of the
Chief Metropolitan
Magistrate at
Mumbai.

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2. The Complainant is an Advocate by profession having about 30 years of standing at the Bar and is appearing in various Courts across the country, namely, the High Courts of Kerala, Bombay, Delhi, Madras; the Debt Recovery Tribunals in Cochin, Bangalore, Chennai, Delhi, this Hon'ble Court, and other Courts of learned Metropolitan Magistrates in Mumbai. The Complainant has his offices at Cochin, Kerala and Fort, Mumbai; and associate offices at Delhi and Chennai. Hence well known in the legal fraternity.

3. Whereas the 1st accused was the Authorized Officer of Jankalyan Sahakar Bank Ltd., and is a purported statutory functionary within the meaning of Section 13 of the Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 (SARFAESI Act, for short), who has been reportedly retired from the Bank. The 2nd accused is an Advocate by profession and has appeared and been appearing for the aforesaid Bank/the 1st accused in Writ Petition (L) No. 2772 of 2012 wherein the Complainant is the lawyer for the Petitioners. The Complainant and the 2nd accused are lawyers appearing on the opposite side in a few other litigations, as well, and have an extremely strained relationship. The various offences of which cognizance is sought to be taken at the hands of this Hon'ble Court occurred within the territorial limits of this Hon'ble Court.

4. The offences alleged originate from a contempt of Court proceeding instituted by the client of the Complainant one Mrs. Lallia seeking action against the 2nd accused. Accused No. 2 who having made a false allegation against the Complainant of impersonation of a Hon'ble Judge of the Hon'ble High Court of Judicature at Bombay and having thus attracted a contempt of Court proceeding against him or to prove his innocence, the Complainant has reason to believe that 2nd accused abusing his position



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with the 1st accused, namely, that of a lawyer and a client, a fiduciary relationship of utmost faith and trust, in furtherance of a common intention to defame the complainant had made the 1st accused to file a false affidavit dated 25-03-2013 in Notice of Motion (L) No.175 in said Writ Petition (L) No.2772 of 2012, alleging that on 4th March, 2013, the Complainant had called him on his mobile phone and impersonated as a Hon'ble Judge of the High Court, while the truth of the matter, as evidenced by the call records maintained by the service providers, is that it was the 1st accused who had called the Complainant twice, though, the said calls lasted only for 16 and 19 seconds, respectively. The 1st accused undoubtedly acted maliciously, but he is, though cannot be said to be a mere tool in the hands of the 2nd accused, a part of a larger conspiracy which, for reasons of constraints within which the instant complaint has to be drafted, the Complainant cannot afford to elaborate. The concept of immunity, without elaborating the concept, for the very reasons of constraints which the Complainant has indicated in the previous sentence, the Complainant begs to bring into the public domain, nay, for the consideration of this Hon'ble Court in due course.

5. The brief facts of the matter is the Complainant, as a lawyer, was representing his client, one Mrs. Latta Mohan Tejwani, a lady, aged 74 years, in Writ Petition (L) No.2772 of 2012 filed in the Hon'ble High Court of Judicature at Bombay challenging the action taken by the Jankalyan Sahakar Bank under Section 101 of the Maharashtra Co-operative Societies Act (the Societies Act, for short). Shri. Sanjeev Tejwani, her son, used to assist her in the conduct of the case. On 4th of March, 2013, Shri Sanjeev Tejwani came rushing to the Complainant at about 11 a.m. stating that officers of the Bank have come to his mother's residence to dispossess her and, therefore, the Complainant should obtain emergent



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orders from the Hon'ble High Court. The Complainant instructed Shri Sanjeev Tejwani to inform the Authorized Officer of the Bank, accused No.1, and the Bank that the writ Petitioner will be mentioning to take up the matter, which was not on the Board, on Board before the Hon'ble High Court seeking emergent interim orders to restrain the Bank from proceeding any further in furtherance of the proceedings under the Societies Act. For completion of facts it may be stated that the Complainant first rushed to the Court of the Hon'ble the Chief Justice, His Lordship being the Master of the Roster, as he felt that to take up a matter which is not on the Board, orders of the Hon'ble Chief Justice ought to be obtained. On finding that the Hon'ble Chief Justice is not sitting, the Complainant rushed to the Division Bench presided over by Hon'ble Shri Justice S.J. Vazirdar. Upon Shri Sanjeev Tejwani asking the Complainant as to what exactly is the message to be passed on to accused No.1 the Bank, the Complainant drafted and forwarded to Shri Sanjeev Tejwani a SMS to the effect that he is mentioning the matter before the Hon'ble High Court and, therefore, the said SMS be taken as a notice and they should appear and that any precipitatory step while his client is before the High Court would amount to contempt of the Hon'ble High Court. The said SMS reads as infra:-

Tambe/Rajak,

Since the Hon'ble CJ is not sitting, am moving the praecipe before the DB of Hon'ble Justice Vazirdar. Kindly treat this SMS as notice. I will tell so to the Hon'ble Court as well. When am literally in the Court and has given notice of the NOM which am mentioning of which notice has been given to u, if u proceed to harass my client, then, that would constitute criminal contempt of HC.

Mathews J. Nedumpara.

6. That Shri Sanjeev Tejwani, in turn, forwarded the SMS to accused No.1 on his Mobile No. 81080 86202. To err on the side of caution, for



abundans cautela non nocet – abundant caution does no harm, the Complainant asked Shri Sanjay Tejwani the Mobile number of accused No.1 and himself forwarded the SMS to him. The Complainant also thought it appropriate to orally inform accused No.1 and he accordingly made a call. However, the said call was not picked up by accused No.1 and it remained a missed call. If the Complainant could rely on his memory, he thereafter rushed to the Division Bench presided over by Hon'ble Shri Justice Vazirdar and mentioned the matter. His Lordship was pleased to call for the file, but eventually declined to hear the matter or pass any orders as His Lordship felt that to hear the matter he needed an express order from the Hon'ble Chief Justice, allotting the matter to the Division Bench in question. If the Complainant could remember properly, while he was almost inside the Court Hall, at 11.22 a.m. or so, a call from accused No.1 came, but he disconnected the same, in all probability telling the caller to come to the Court of Hon'ble Shri Justice Vazirdar. At 11.23 hours, accused No.1 made a call, which the Complainant did not pick up. The said call lasted for 10 seconds. In another one minute, maybe at 11.24 or 11.25 hours, accused No.1 called the Complainant again, which also the Complainant did not answer at length; the call lasted for just 19 seconds. The mentioning made by the Complainant, as aforesaid, before Hon'ble Shri Justice Vazirdar and the notice given by SMS could protect Mrs. Lalita Tejwani, the Complainant's client, from being dispossessed of her residential home.

7. That a few days later, namely, on 8th March, 2013, Writ Petition (L) No.2772 of 2012 was taken up for hearing by the Division Bench presided over by Hon'ble Shri Justice Mohit Shah. During the course of the hearing, accused No.2 Dr. Brendrakumar Saraf, counsel for the Bank, stood up and said that his client has received a call on his cell phone from

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someone saying that he is Justice Vazifdar and that the call was from cell No. 9820535426 belonged to the Complainant thereby creating an impression that the complainant impersonated Justice Vazifdar. Even before accused No. 2 could comply, the Complainant sprang on his feet and stated that 9820535426 is his cell number and even if he had called the accused No. 1 (at that time the Complainant was not sure that he did not at all call accused No. 1, for he thought that he might have) that was to ask him to be present in the Court saying that he was mentioning the matter and he should not dispossess his client. The Complainant maintained that he has every right to call accused No. 1. Later Notice of Motion (L) No. 175 of 2013 was taken out with a view to call accused No. 2 who is a part of the cadre of certain senior Judges of the High Court and with and kin of sitting and retired Judges who constitute to be the elite members of the Bombay Bar Association, the Original Side Bar Association of the Bombay High Court.

8. That in the said Notice of Motion, accused No. 1, filed an affidavit dated 25-03-2013 in which he has claimed that he received a call from cell No. 9820535426 stating as follows:-

"I am Vazifdar here, Mathews is before me, ask your advocate to call me".



The Hon'ble Chief Justice directed the said affidavit to be kept in a sealed cover without furnishing a copy thereof to the writ Petitioner or her counsel; the Complainant ANNEXURE "A" is the copy of the said affidavit dated 25-03-2013 prepared by Accused No. 2 and signed by the Accused No. 1.

9. On 8th May, 2013, to which date Notice of Motion (L) No. 175 of 2012 in Writ Petition (L) No. 2772 of 2012 was posted, the Complainant could only send Shri Neville Jhaveri, a law junior, to represent him taking advantage

M. Jhaveri

of a junior representing the client and probably the words of the Complainant that he called accused No.1 and he has every right to do so made Hon'ble Shri Justice Mohit Shah think that the affidavit of accused No.1 could be used as a golden opportunity to falsely implicate the complainant. It is absolutely worthwhile to extract the order dated 6th May, 2013, which is done as infra:

PC:

8 May 2013

Learned Counsel for Respondent No.2 tenders affidavit dated 25 March 2013 of Mr. A.S. Tanha, Assistant General Manager of Jankalyan Sahakar Bank Limited. The affidavit is taken on record but shall be kept in a sealed envelope.

2) Learned Counsel for respondent No.2 states that since whatever was submitted by respondent No.8 was in his capacity as Counsel for respondent No.2 and since the affidavit of respondent No.2 is already filed, there is no justification for initiating or continuing any proceeding against respondent No.8 and 9.

3) In view of the above, we do not see any justification to initiate or continue any proceeding against respondent Nos.8 and 9. Respondent Nos.8 and 9 are therefore, deleted from the array of the parties. Prayer clause (a) accordingly does not survive.

4) So far as prayer clause (b) and (c) are concerned, we request the learned Counsel General to assist the Court. Stand over to 11 June 2013.



CHIEF JUSTICE
M. S. SANKLECHA, J.
Bombay High Court

10. That the Hon'ble Shri Justice Mohit Shah called for the call records from the service providers. On 19th June, 2013 personnel from the service providers produced the call records, which were voluminous. Therefore, the case was adjourned to 20th June, 2013 directing them to file an affidavit pertaining to the call records of call Nos. 9820535428, 09819 840333 and 8108068202 namely those of the Complainant, Shri Sanjeev

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Telnet and accused No.1, respectively. Copies of the said call records are produced as Annexure "B" (collectively).

11. That the case was posted for hearing at 3.00 p.m. on 20th June, 2013. The Complainant too managed to secure the call records from the service providers by 2.30 p.m. on that day. A perusal of the same revealed, contrary to the allegation of accused No.1, that he had made no call to accused No.1 on 4th March, 2013 but, on the contrary, it was accused No.1 who had the Complainant twice at 11.20 a.m. and 11.25 a.m. on that day for 18 and 19 seconds, respectively. The order passed by Shri Justice Mohd. Shah on 6th May, 2013 directing to keep the affidavit of accused No.1 in a sealed envelope, wherein he has made an allegation of impersonation against the Complainant, and the refusal to furnish a copy thereof initially to him despite repeated requests, which is, in gross violation of the principles of natural justice and fair play, made the Complainant suspect a foul practice.

12. That as aforesaid, at 2.30 p.m. on 20th June, 2013, the Complainant could obtain the call records of his cell phone, which showed that it was accused No.1 who had called him at 11.20 a.m. and 11.25 a.m. on 4th March 2013. At 3.00 p.m. when the matter was taken up for hearing, when the call records were produced before the Court by the service providers, the Complainant repeatedly and repeatedly pointed out that he did not make any call; that the allegation that he had made a call is false and, therefore, action should be issued to accused No.1 for filing a false affidavit. The Complainant contended that filing a false affidavit containing false accusation against a lawyer constitutes an offence under Section 202 and, therefore, the procedure contemplated under Section 195, read with Section 240 of the Criminal Procedure Code be followed or, in the alternative, a complaint with the police be registered. Hon'ble Shri Justice

Mohit Shah knew for certain, as too his brother Judge Hon'ble Shri Justice M.S. Sanklecha, that the Complainant did not make a call and the allegation to that effect is false. On the contrary, the call records before the Court proved that accused No.1 has made a false allegation and it is he who is liable to be prosecuted. Yet, the Division Bench headed by Hon'ble Shri Justice Mohit Shah went on to issue a show cause notice dated 09-07-2013 to the Complainant as to why appropriate action should not be taken against him for criminal contempt as defined in the Contempt of Courts Act, 1971. The relevant portion of the said notice is extracted below and a copy thereof is produced as Annexure "C".

8. It is submitted that the affidavit states that Mr. Tambe had a conversation with a person having Mobile Number viz: 9820535428 and the person at the other end told him that "I am (name of a sitting Judge of this Court) here, Mathews is before me. Ask your Advocate to call me." The affidavit of Tambe further states that the said mobile belongs to the firm of Advocates- M/s. Nedumpare and Nedumpare, who appear for the Petitioner.

9. In view of the above affidavit, on 13 June 2013 after hearing the parties, this Court directed the service providers - Vodafone Ltd. And Idea Cellular Ltd. to place on record the call details of three call numbers - 9820535428, 9819946333 and 8108046302 for 4 March 2013 and 5 March 2013. This information was necessary to determine whether there is any element of truth in the allegations made in the affidavit dated 25 March 2013 of Mr. Tambe.

10. Today, affidavits have been filed on behalf of the said service providers, placing on record the call details. Copies of the affidavits filed by the service providers are also served upon Advocate Mr. Nedumpare in Court. We also directed the service of a copy of the affidavit of Mr. A. S. Tambe dated 25 March 2013 which was kept in a sealed cover, upon Advocate Mr. Mathews J. Nedumpare and the same was done in our presence. On perusal of the call records, we find that there has been contact between the above three mobile call numbers.

11. As per the affidavit filed on behalf of Vodafone (India) Ltd. the number 9820535428 is subscribed in the name of Mr. Mathews J. Nedumpare and mobile number 9819946333 is of Mr. Sanjay Mohan Tejwant, who is son of the Petitioner. While as per the affidavit filed on behalf of Idea Cellular Ltd. the mobile number 8108046302 is subscribed in the name of Mr. Sanjay V. Kale address at Jankalyan Sahakar Bank Ltd. Chembur, Mumbai 400 071, Laxmed

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Counsel for Respondent-Bank states that mobile no. 8100056202 is presently being used by Mr. A. S. Tambe, Assistant General Manager, of the Respondent-Bank. Advocate Mr. Mathews J. Nedumpara admits that the mobile no. 8820535428 is his own mobile number.

12. In case for initiating suo motu proceedings under the Contempt of Courts Act, 1971 and Advocate Mr. Mathews J. Nedumpara be joined as respondent No.1 and State of Maharashtra as respondent No.2 in the suo motu Contempt Proceedings.

13. The Registry to issue notice to Mr. Mathews J. Nedumpara to show cause why appropriate action should not be taken against him for Criminal Contempt as defined in the Contempt of Courts Act, 1971. Since, this Court is only issuing a notice and not issuing a rule at this stage, no further observations are called for.

14. Ms. Geeta Shastri, AGP, waives service of notice for State of Maharashtra.

15. This suo motu notice for Criminal Contempt along with Notice of Motion (L) No. 175 of 2013 shall be placed before the appropriate Bench.

16. Since the affidavit of service provider would be material evidence, the Officers shall remain present on the next date of hearing.

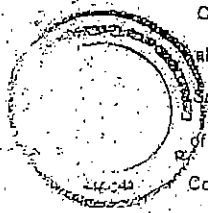
17. Affidavit in reply shall be filed by 15 July, 2013. Matter shall be listed before the appropriate Bench on 22 July 2013.

(CHIEF JUSTICE)
(M.S. SANKLECHA, J.)

13. As could be seen from above, the Complainant is forced to face a false prosecution of contempt of the Hon'ble High Court of Judicature at Bombay on the premise that he impersonated Hon'ble Shri Justice Vazirdar by calling from his mobile No. 88205 35428 to 81000 56202, the mobile number of accused No.1, and stated "I am Vazirdar here, Mathews is before me, ask your advocate to call me". An allegation of impersonating a sitting Judge of the High Court, even while what the impersonator has allegedly said "I am Vazirdar here, Mathews is before me, ask your advocate to call me" is a matter of grave consequence and it

constitutes a cognizable offence punishable under Section 416 of the Indian Penal Code (IPC). The said allegation by accused Nos. 1 and 2 is a false one, made knowing it to be false as also maliciously with the intention to secure false prosecution and punishment of the Complainant, an innocent man, on false evidence as also to damage his reputation and cause immense harm to his professional career. The truth of the matter is that it was accused No. 1 who had called the Complainant on that day, as is evident from the call records provided by the service providers and, therefore, the aforesaid false allegation also constitutes to be contempt of the lawful authority of public servants as contemplated in Chapter X of the IPC and in particular Sections 193 and 209 thereof, namely, intentionally giving false evidence in any of a judicial proceeding, or fabricating false evidence for the purpose of being used in any stage of a judicial proceeding, and fraudulently or dishonestly, or with intent to injure or annoy any person, making in a Court of Justice any claim which he knows to be false. The said false allegation made by accused No. 1 on affidavit and averred by accused No. 2 in open Court also amounts to an offence of defamation within the meaning of Section 499 of Indian Penal Code.

14. The Complainant does not intend to praise his own toil or boast about his practice. Suffice to say, the Complainant is widely known among lawyers and Judges in the High Court of Bombay, DRTs, Mumbai, this Hon'ble Court and other Magistrate Courts, to an extent the City Civil Court, so also the High Courts of Kerala, Delhi, Madras and, to an extent, in the Supreme Court, as a lawyer with substantive practice with almost a dozen of lawyers working as his associates at these different cities. The Complainant is also a champion of the causes of (a) transparency in judiciary, (b) transparency in appointment of Judges in higher judiciary, (c) video-recording of Court proceedings, and (d) declaration of assets by



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Judge. He is also a crusader for the cause of slum dwellers and homeless in Mumbai. The false allegation made by the 2nd accused against the Complainant in the open Court on 4th March, 2013 that the Complainant has impersonated a Hon'ble Judge of the Hon'ble High Court by calling the 1st accused on his mobile phone No. 840808202; whereas the truth of the matter is that it was the 1st accused who had called the Complainant, not once but twice, with the tacit support and blessings of certain powers that be, which for considerations of reticence the Complainant does not wish to elaborate, was part of the larger conspiracy to liquidate him both professionally and even physically for the challenge which he raised as an outstation lawyer on many a questionable, nay, corrupt practices. To state that the conspiracy, of which accused Nos. 1 and 2 constitute to be the visible kingpins, of which many more are involved, was intended to harm and injure the Complainant of his reputation in the eyes of the right thinking people, and wholly done in culmination of a well thought out and worked out conspiracy would be only an understatement of the malicious and fraudulent act at the hands of the two accused and thus behind the curtain. Their real intention is to liquidate the Complainant professionally and physically.

15. Both the Accused thus maliciously and with fraudulent intention in order to tarnish the image of the complainant in the eyes of the general public and also among legal fraternity both Bar and the Bench of the judicial institution, made defamatory remarks which in fact bore fruits as the proceeding against contempt of court is initiated against the Complainant, thereby harming the reputation and equally lowering the moral and intellectual character of the Complainant. The express malice of Accused No. 2 is very well evident in the imputation itself which is made to cast some suspicion on the credibility of the Complainant as opponent.

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An advocate being an officer of the court does not enjoy any absolute privilege and/or immunity in Indian law for the time being in force and every word he utters in the Court room if violates any express provision of law will have to face penal consequences stipulated thereof.

16. Both the ~~113~~ hence committed offences punishable u/s 193, 200, 500 & 501(b) of Sec 34 of Indian Penal Code.

17. The Commission of said offences took place in the month of March 2013; hence the complaint is within the limitation period as stipulated u/s 468 of Code of Criminal procedure.

18. As stated at the inception of this complaint, the offences alleged have occurred within the territorial limits of this Hon'ble Court and also in the matter of place of institution of a criminal proceeding the fundamental principle to be followed is *lex loci delicti* - the law of the place where a wrong was committed, and further since it is within the local limits of Azad Maldan Police Station, this Hon'ble Court is competent to try the offences in terms of the First Schedule to the Cr.P.C.

19. Therefore it is respectfully prayed that this Hon'ble Court may be pleased to take cognizance of the instant complaint, issue process to compel the presence of the accused before it, conduct a just and fair trial and render a judgment holding both the accused guilty of the offences alleged and punish them in accordance with law in the interest of justice.



R. M. Amin
(Rohini M. Amin)
Advocate Complainant

Respectfully submitted
Rohini M. Amin
(Complainant)

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VERIFICATION

I, Mathews J. Nedumpara, the above complainant residing at Harbour Heights,
W Wing, 12-F, 12th Floor, Sassoon Docks, Colaba, Mumbai-400 005 do hereby
do hereby state that whatever stated above are true and correct to the best of my
knowledge, belief and information, verified and signed on this 14th day of October
2013.

Dated this 14th day of October, 2013.

R.M. Arun

Adv for Complainant

Mathews J. Nedumpara,
(Complainant)



True copy

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Exhibit "H"

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~~BAHABT D~~

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IN THE COURT OF
ADDL. CHIEF METROPOLITAN MAGISTRATE
37TH COURT, ESPLANADE, MUMBAI

IN
C.C. No. 90/MISC/2013

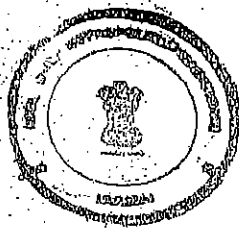
ORDER BELOW ISSUE PROCESS

Read complaint and verification statement. Specifically the affidavit dtd 25/03/2013, wherein the reference of call from no. 9820535428 and wording, "I am Vajibdar here, Mathew is before me. Ask your advocate to call me and later on, on which contempt proceeding initiated." prima facie shows that there took place impersonation and in that the name of complainant had been involved. The contents in that sense seem defamatory to maline the character of complainant.

Thus, issue process for offence punishable U/sec. 500 of IPC.

Mumbai
Date: 09/10/2015

(M. R. Natu)
Addl. Chief Metropolitan Magistrate,
37th Court, Esplanade, Mumbai



37TH COURT
17/10/2015
Addl. Chief Metropolitan Magistrate
37th Court, Esplanade, Mumbai

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ITEM NO.9

COURT NO.9

SECTION XVIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s) (Criminal) No(s). 422/2016

MATHEWS J. NEDUMPARA

Petitioner(s)

VERSUS

BIRENDRA KUMAR SARAF AND ANR.

Respondent(s)

Date : 05/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. Mathews J. Nedumpara, In Person
Mr. T. R. B. Sivakumar, Adv. (NP)

For Respondent(s) Mr. Shyam Divan, Sr. Adv.
Mr. C.U. Singh, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Vivek Jain, Adv.
Mr. Shashank Manaish, Adv.
Mr. Himanshu Satija, Adv.
Mr. Rashmi Kant, Adv.
Mr. E.C. Agrawala, Adv.

UPON hearing ptr-in-person the Court made the following
O R D E R

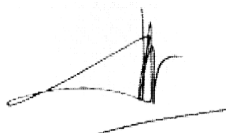
Heard Shri Mathews J. Nedumpara, appearing in person.

No case for transfer is made out. The transfer petition is dismissed.

However, the petitioner may apply for clubbing of any other related matter, if so advised.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Indu Pokhriyal]
Court Master



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VIJAY S. KURLE, IN RE

549

(2021) 13 Supreme Court Cases 549

(Record of Proceedings)

a

(BEFORE UDAY U. LALIT AND AJAY RASTOGI, JJ.)

2J

VIJAY S. KURLE AND OTHERS, IN RE

.. Petitioners;

Misc. Application No. 1073 of 2021[†] in MA No. 617 of 2021
in MA No. 2200 of 2020 in MA No. 1435 of 2020 in SMC
(Crl.) No. 2 of 2019 with WP (C) No. 1377 of 2020 and
b WPs (Crl.) Nos. 243-44 of 2020, decided on July 16, 2021

**Contempt of Courts Act, 1971 — Ss. 19, 12 and 14 — Person convicted
of criminal contempt by Supreme Court — Whether has right to intra-court
appeal to be heard by a larger and different Bench of Supreme Court —
As this issue is pending consideration before Supreme Court, present writ
petitions directed to be listed along with the same**

c

— Constitution of India — Art. 129 — Contempt of Court — Appeals/
Review/Revision/Writ jurisdiction — Appeal to/Interference by Supreme
Court (Paras 10 to 12)

Vijay Kurle, In re, (2021) 13 SCC 616; *Vijay Kurle, In re*, (2021) 14 SCC 208 : 2020 SCC
OnLine SC 680; *Vijay Kurle, In re*, (2021) 14 SCC 206 : 2020 SCC OnLine SC 662; *Rashid
Khan Pathan, In re*, (2021) 12 SCC 64; *Vijay Kurle, In re*, 2020 SCC OnLine SC 1216;
d *Vijay Kurle, In re*, 2021 SCC OnLine SC 524; *Vijay Kurle, In re*, 2021 SCC OnLine SC 526;
Prashant Bhushan, In re, (2021) 3 SCC 160; *Prashant Bhushan, In re*, 2020 SCC OnLine
SC 1146, referred to

RM-D/67791/SR

Advocates who appeared in this case :

Petitioner-in-Person;

e

Sidharth Luthra (Amicus Curiae), Nitin Saluja, Sheezan Hashmi, Anmol Kheta, Partho
Sarkar, Pritam Bishwas, Prem Sunder Jha (Advocate-on-Record), Pritam Bishwas,
Mangesh Dongre, Ms Poonam Rajbir, Ms Deepika Jaiswal, Ms Siddhi Dhamnaskar,
Ankit Pandey, Abhishek Mishra, Pratik Jain Sokker, Prem Sunder Jha (Advocate-on-
Record), Nilesh Ojha and Sanchit Garga (Advocate-on-Record), Advocates, for the
appearing parties.

f

Chronological list of cases cited

on page(s)

1. (2021) 14 SCC 208 : 2020 SCC OnLine SC 680, *Vijay Kurle*,
In re 550a-b, 550c-d, 551g
2. (2021) 14 SCC 206 : 2020 SCC OnLine SC 662, *Vijay Kurle, In re* 550c
3. (2021) 13 SCC 616, *Vijay Kurle, In re* 550a, 550b-c, 550c
4. (2021) 12 SCC 64, *Rashid Khan Pathan, In re* 550c
5. (2021) 3 SCC 160, *Prashant Bhushan, In re* 551a-b
6. 2021 SCC OnLine SC 526, *Vijay Kurle, In re* 550d-e
7. 2021 SCC OnLine SC 524, *Vijay Kurle, In re* 550c, 550c-d, 551f-g
8. 2020 SCC OnLine SC 1216, *Vijay Kurle, In re* 550c
9. 2020 SCC OnLine SC 1146, *Prashant Bhushan, In re* 551b-c

h

[†] Arising from the Judgment and Order in *Vijay Kurle, In re*, 2021 SCC OnLine SC 524 (Supreme
Court, Misc. App. No. 617 of 2021, dt. 15-4-2021)

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SUPREME COURT CASES

(2021) 13 SCC

ORDER

1. In *Suo Motu Contempt Petition (Crl.) No. 2 of 2019*, three persons, namely, Vijay S. Kurle, Rashid Khan Pathan and Nilesh C. Ojha were found guilty of contempt vide judgment dated 27-4-2020¹ passed by this Court. a

2. The matter was then listed for considering what appropriate punishment was required to be awarded to the contemnors. By order dated 4-5-2020² the said three contemnors were sentenced to suffer imprisonment for three months with imposition of fine of Rs 2000 and were directed to surrender before the Secretary General of this Court. However, considering the effects of COVID-19 Pandemic, the contemnors were granted time of sixteen weeks to surrender. b

3. Thereafter, certain applications including those seeking recall of the order dated 27-4-2020¹ came up before this Court which did not consider it appropriate to recall the order dated 27-4-2020¹. However, by its successive orders dated 18-8-2020³, 3-9-2020⁴, 11-12-2020⁵ and 15-4-2021⁶, the time to surrender in terms of the order dated 4-5-2020² was repeatedly extended and the time granted by the last order dated 15-4-2021⁶ is to expire today. c

4. Yesterday, when the matters came up before us, a prayer was made that Writ Petitions (Crl.) Nos. 243, 244 and Writ Petition (C) No. 1377 of 2020 had been filed by these three contemnors on the lines identical to pending Writ Petition (C) No. 1053 of 2020. It was, therefore, directed⁷ yesterday that the instant suo motu contempt petition and applications arising therefrom along with the said three writ petitions preferred by the contemnors be listed before an appropriate Court. d

5. Accordingly, the matters are listed before us today. We have been apprised of the contents of Writ Petition (C) No. 1053 of 2020. In that case, the contemnor was sentenced on a charge of criminal contempt and Writ Petition (C) No. 1053 of 2020 prays: e

“(a) Issue an appropriate writ, order or direction declaring that a person convicted for criminal contempt by this Hon’ble Court, including the petitioner herein, would have a right to an intra-court appeal to be heard by a larger and different Bench. f

(b) Issue an appropriate writ, order or direction framing rules and guidelines providing for intra-court appeal against conviction in original criminal contempt cases as referred in prayer (a) above. g

1 *Vijay Kurle, In re*, (2021) 13 SCC 616

2 *Vijay Kurle, In re*, (2021) 14 SCC 208 : 2020 SCC OnLine SC 680

3 *Vijay Kurle, In re*, (2021) 14 SCC 206 : 2020 SCC OnLine SC 662

4 *Rashid Khan Pathan, In re*, (2021) 12 SCC 64

5 *Vijay Kurle, In re*, 2020 SCC OnLine SC 1216

6 *Vijay Kurle, In re*, 2021 SCC OnLine SC 524

7 *Vijay Kurle, In re*, 2021 SCC OnLine SC 526 h

a (c) Alternatively, issue an appropriate writ, order or direction declaring that review petitions filed against orders of conviction by the Supreme Court in original criminal contempt cases would be heard in open court by a different Bench;"

b 6. It appears that Review Petition No. 326 of 2020, arising from the judgment and order⁸ holding the said contemnor guilty, came up before a Bench of three Judges of this Court. It took note of the assertions made in Interim Application No. 131968 of 2020 filed by the said contemnor praying that consideration of review petition be deferred till Writ Petition (C) No. 1053 of 2020 was heard/adjudicated upon by this Court and accordingly by its order dated 16-12-2020⁹ this Court adjourned the review petition.

c 7. It further appears that Writ Petition (C) No. 1053 of 2020 has not come up before this Court for consideration.

d 8. Coming back to the writ petitions filed by the instant contemnors, various prayers have been made in the writ petitions but Mr Tanveer Nizam, learned advocate appearing for Rashid Khan Pathan, Mr Partho Sarkar, learned advocate appearing for Vijay S. Kurle and Nilesh C. Ojha, contemnor appearing in person have readily submitted that except the prayers identical to those made in Writ Petition (C) No. 1053 of 2020, rest of the prayers in the instant writ petitions, be allowed to be withdrawn. We record the statements and direct that the prayers in the said three writ petitions shall be read accordingly.

e 9. It is also submitted by the said learned counsel and the contemnor-in-person that, if at any stage any allegations or assertions were made against the appointment of, and the conduct of instant matter by Mr Sidharth Luthra as Amicus Curiae, the contemnors tender unconditional apology and seek to withdraw such assertions/allegations. The statements are recorded and the apology is accepted.

f 10. As the issue raised in Writ Petition (C) No. 1053 of 2020 is pending consideration before this Court, these writ petitions are directed to be listed along with said Writ Petition (C) No. 1053 of 2020 before the appropriate court after seeking requisite directions from the Hon'ble CJI.

g 11. Since the period granted in terms of the order dated 15-4-2021⁶ is to expire today, an extension of one month is granted subject to the following conditions:

g 11.1. The amount of fine as directed in the judgment and order dated 4-5-2020² shall be deposited in the Registry of this Court within seven days.

h 8 *Prashant Bhushan, In re*, (2021) 3 SCC 160

9 *Prashant Bhushan, In re*, 2020 SCC OnLine SC 1146

6 *Vijay Kurle, In re*, 2021 SCC OnLine SC 524

2 *Vijay Kurle, In re*, (2021) 14 SCC 208 : 2020 SCC OnLine SC 680

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SUPREME COURT CASES

(2021) 13 SCC

11.2. The contemnors shall execute individual bonds in the sum of Rs 25,000 each and send them to the Office of the Secretary General of this Court within seven days.

a

12. IA No. 80813 of 2021 for extension of time is accordingly allowed and stands disposed of.

Court Masters

b

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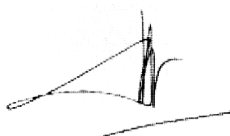
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Mathews J. Nedumpara, Advocate
President

Mrs. Rohini M. Amin, Advocate
Secretary

Robin Majumdar, Advocate
Treasurer

CONFIDENTIAL
31st January, 2011

- 1) Her Excellency Smt. Pratibha Patil,
President of India,
New Delhi
- 2) His Excellency Shri H.M. Ansari,
Vice-President of India,
Vice-President House,
6, Maulana Azad Road,
New Delhi 110 011.
- 3) Hon'ble Smt. Sonia Gandhi
Chairperson UPA and Chairman,
National Advisory Council,
10, Janpath, New Delhi.
- 4) Hon'ble Dr. Man Mohan Singh,
Prime Minister of India
148B, South Block
New Delhi 110 001
- 5) Shri P. Chidambaram,
Hon'ble Minister for Home Affairs,
Government of India, New Delhi.
- 6) Hon'ble Shri S.H. Kapadia,
Chief Justice of India,
Supreme Court of India,
Tilak Marg,
New Delhi 110 001

- 7) Hon'ble Sri Veerappa Moily
Minister for Law & Justice
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- 8) Hon'ble Smt. Sushma Swaraj,
MP & Leader of Opposition,
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44, Parliament House,
New Delhi 110 001.
- 9) Hon'ble Shri Arun Jaitley,
MP & Leader of Opposition,
Rajya Sabha,
A-44, Kailash Colony,
New Delhi 110 048.
- 10) His Excellency Shri K. Sankaranarayan,
Governor of Maharashtra,
Raj Bhavan,
Mumbai 400 035.
- 11) Hon'ble Shri Mohit S. Shah,
Chief Justice,
High Court of Judicature at Bombay,
Mumbai 400 032.
- 12) Hon'ble Shri Prithviraj Chavan,
Chief Minister of Maharashtra,
Mantralaya, Mumbai 400 032.
- 13) Hon'ble Sri.Jayanti Natarajan ,
Chairman, Parliamentary Committee on Law and Justice,
New Delhi 110 048

MAY IT PLEASE YOUR EXCELLENCIES/MESDAMES,

Sub: Transfer of Judges as a solution to the "Uncle Judge Syndrome" which has caused irreparable damage to the credibility of the High Court of Judicature at Bombay.

This letter is the reflection of the lament of a client of mine who suffered injustice because he firmly believes that he lost his case and denied justice because his opposite side had the son/ daughter-in-law of Hon'ble Shri Justice V.M. Kanade as his lawyer. I am not referring to the details of the case and the client who wept before me, for the matter is still, I believe, pending in the form of a review. As your gracious selves would recollect, I have been addressing a series of letters bringing to your kind notice many an ill in the mechanism of dispensation of justice which, I think, need your emergent attention. I entered into this venture sometime in 2004 baffled with the corruption I first time came to face at the hands of Shri O.P. Nahar, Appellate Tribunal for Foreign Exchange, New Delhi and later at the hands of Ms. Maya D. Chem, the then Additional DGFT and Shri Mahesh Chand, Presiding Officer, Appellate Tribunal for Provident Fund, New Delhi. I am sure in this process I have created many enemies and it might be possible that I may be targeted in many ways, as well. But nothing will deter me from proceeding with candor and devotion in the path of my commitment to do whatever little I could.

2. The conviction of my client, who came to me to seek my help to file a review, that he lost his case because the opposite side had the son/ daughter-in-law of Hon'ble Shri Justice V.M. Kanade as Advocate may or may not be true. Let me assume that it is absolutely untrue. Hon'ble Shri Justice R.C. Chavan, who decided the case against my client, would have acted honestly, scrupulously and with utmost impartiality. But still the party who lost the case firmly believes that he has lost his case because the opponent could influence the Hon'ble Judge because he had engaged the son/ daughter-in-law of a sitting Judge. He goes around weeping; narrates the injustice done to him, whether real or not, to many, and in the process the good name and reputation of the Judge who decided the case is put to jeopardy, so also of Hon'ble Shri Justice V.M. Kanade, and above all the fair name of the High Court of Bombay as a Temple of Justice. As

Lord Heward CJ observed in *Rex v. Sussex Justices; Ex-parte Mc Carthy*, (1924) 1 KB 256, "it is not merely of some importance but is of fundamental importance that justice should not only be done but should manifestly and undoubtedly seen to be done."

3. I have great regard and respect for Hon'ble Shri Justice R.C. Chavan who heard the case of my client. His Lordship may have erred in his decision, which he is free to do, but I am sure he would have acted with utmost honesty and impartiality or let me assume so. Still justice is not seen to have been done, much less believed to be done. The present case is only an example. I have heard innumerable instances of like nature about Hon'ble S/Shri Justices Dilip Bhosale and R.Y. Ganoo. This is so far as about the damage to the credibility of the institution since blood relations, sons, daughters, uncle, brothers, etc., of the sitting Judges practice in the same Court. The Rules of the Bar Council of India do not permit it. But who cares about such Rules and the propriety and ethical principles which one is voluntarily bound to follow. If I continue, it will be opening a Pandora's box. I believe in the maxim *fiat justitia ruat caelum* - "may justice be done though the heavens fall." Even if addressing the issue of corruption in judiciary would mean opening a Pandora's box, one should not bother; let it be opened. There are many other issues of corruption even of greater importance than the one which I have addressed in this letter, but I am not dwelling into them, for if I do so the focus of the issue addressed in this letter will be lost.

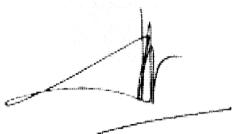
With kind regards,

Yours sincerely,

Mathews J. Nedumpara.

Copy to:

- 1) The Chairman, Bar Council of India, New Delhi.
- 2) The Chairman, Bar Council of Maharashtra & Goa.
- 3) The President, Advocates Association of Western India, Mumbai.
- 4) The President, Bombay Bar Association, Mumbai.



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Panchal

Joint Secretaries
A.C. Philip & Jacob Samuel (LTGN), C.J. Joverson (PGNDA)

Dated: 08.08.2016

AN OPEN LETTER TO THE LEGENDARY FALI S. NARIMAN

To

Shri Fali S. Nariman,
Senior Advocate
Supreme Court of India,
New Delhi.

Most Respected Sir,

Before the NJAC case, Sir, I had only heard about you, not even heard your arguments; you were a demi-God to me. In the NJAC case, the hearing of which went on for 31 days, I heard every word of yours with great patience. I must confess that you no longer remain in my mind to be a demi-God; you are almost 30 years senior to me by age and practice; I have all the respect for you for the age and standing which I am obliged to confer. I would not have asked any question to you even while I had the greatest of disagreement with you but for the fact that the judgments of the Supreme Court in the NJAC case had not meant the abrogation of the right of 95% of the legal fraternity who hail from humble

backgrounds, being the sons and daughters of farmers, teachers, taxi drivers and small time traders, the common man, for an equal opportunity to aspire for the high constitutional office of the Judges of the Supreme Court and High Courts. I would not have asked this question had Articles 14 and 16 of the Constitution, namely, equality before law and equal opportunity for public offices, are not infringed; I would not have asked this question had the will of the people represented by both the Houses of the Parliament and 21 State Assemblies, which have ratified the Constitution (Ninety-ninth Amendment) Act, 2014 and the National Judicial Appointment Commission Act, 2014 (the Acts, for short), had not been thwarted by means of the judgment in the NJAC case, where a Bench of five Hon'ble Judges dared to say that they are quashing the said Acts; I would not have asked this question had I not had equally, if not greater, concern for the majesty of the Supreme Court and its pivotal role as the highest Court of the land and had I not have a deep concern for its feature as the Supreme Court. Sir, you are the doyen of the Bar, the legend, and in comparison I am no one. Yet, I dare to ask this question, for, the energy I draw for it is the power of conviction, the moral power. The questions which I ask are three, namely:

(1) Sir, you pleaded in the NJAC case that the aforesaid Acts infringed or violated the "independence of judiciary", one of the basic structures of the Constitution and, therefore, they are liable to be struck down as unconstitutional. You had no case that the said Acts violated any fundamental rights of SCAORA or any of its member, so too of any of the Judges of the higher judiciary whose

appointments and transfers were to be regulated by the said Acts. You had no case that there existed a "person aggrieved" whose fundamental or legal rights were infringed and who is entitled to enforce his remedies which the law will entail in him and the Supreme Court is the forum to enforce such remedies. Your only case was that the said Acts, which are in the realm of executive or legislative policy, violate the basic structure of the Constitution. Let me underline that you had no case that anybody's fundamental right is violated; your only case was that the said Acts violated the basic structure of the Constitution; so too was the case of Shri Anil Diwan, a no less stalwart as your kind self, representing the Bar Association/Council of India, Shri Dattar, representing the Madras Bar Association, and Shri Bhushan (Centre of all PiLaj Let me ask you a simple question if violation of basic structure of the Constitution is justiciable, who all are entitled to seek such a declaration at the hands of the Supreme Court and who all are entitled to be heard in support or in opposition thereof? I am sure you will never say that the right to seek such a declaration is the exclusive privilege of learned and privileged lawyers like you who practice in the Supreme Court. I am sure you will concede that such right is invested in every lawyer who practices in the different parts of the country. I am sure you will also not dispute that such right cannot be the monopoly of lawyers; it has to be conceded to each and every one of the 129 crores people of this country. If basic structure of the Constitution or violation thereof is justiciable and amenable to judicial review, then the entire people of this country have a right to be a co-Petitioner or Defendant to support

or oppose it. There cannot be a more ridiculous proposition that a Court should decide a case where it has to concede a right of participation in every citizen either in support of against it I am sure you will concede that if SCAORA had a right to seek that the said Acts are unconstitutional, those who supported the said Acts, millions and millions, too had a right to say that the said Acts were constitutional. I am made to understand that hundreds of such petitions are in the offing.

(2) Secondly, the ordinary lawyers and ordinary citizens of this country are not much concerned about who has supremacy or final say, whether the judiciary or the executive, in the matter of appointment of Judges to the higher judiciary. An ordinary lawyer who has an ambition to become a Judge has only one question as to whether a day will come when applications are invited for selection and appointment of Judges when he could apply for and submit his expression of interest and whether his application will be fairly considered. And what the common man is all concerned about is whether he will have the best of Judges from among the available eligible lawyers. The concern to them is not who is appointing, but who are appointed; whether it is from a small pool of kith and kin of sitting and former Judges of the Supreme Court and High Courts, their juniors, celebrated lawyers, Chief Ministers, Governors et al, and a few first generation lawyers who are all politically connected or are close to big industrial houses or from a larger pool which will offer greater diversity. The question, therefore, which I pose is, would you be kind enough to address the real issue as to who are selected and how they are selected and appointed. The common man is not

interested in the supremacy of the judiciary or of the executive; what he wants is an independent Judicial Commission which will select the best Judges by recourse to a transparent procedure. Now the question is, will you join us to demand advertisement of the vacancies of Judges by the collegium, invitation of applications, processing the same and selection and appointment of the most eligible and deserving candidates as Judges, no matter even if it is to be by the collegium.

(3) The third question I ask is, will you make a little sacrifice, which I believe you are duty bound to do, to strengthen the confidence of the common man in the higher judiciary. The NJAC case, in the eyes of the common man, was nothing but the fox being the jury at the goose's trial. Veteran Col. Ved Prakash from Jaipur, told the Constitution Bench in the NJAC case, while it heard the public at large on the ways and means by which the collegium system could be improved, that the judgment in the NJAC case was a judicial coup de'tate, that thousands and thousands of people shared the same opinion. Hon'ble Justice Khehar is a noble judge whom I hold in high esteem; to me His Lordship is a demi-God. Yet, the public perception is that His Lordship decided the NJAC case where there is a conflict of interest. His Lordship is expected to assume the august office of the Chief Justice of India on 5.1.17 and to preside over the collegium. The public perception is that had the aforesaid Acts not been set aside, His Lordship would not have assumed the absolute power of selection and appointment of judges, which the judgment in the NJAC case conferred upon him, but His Lordship

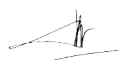
would have only been heading the NJAC where two eminent persons, who were to be selected by a Committee consisting of the CJI, as well, could have negatived a proposal at His Lordship's hands.

As I said at the outset, you are always seen as the epitome of all virtues, the highest of ethical standards, a role-model for the legal fraternity, nay, even the entire country. You were known to be highly critical of the collegium system, but after your son Hon'ble Shri Justice Rohinton Nariman was elevated as a Judge of the Supreme Court, the perception, is that your gracious self unconsciously, non-consciously and sub-consciously, though, identified with the judicial fraternity and fought for the collegium which, Sir, you yourself had castigated as opaque, non-transparent and a failed one. Sir, you practice in the Supreme Court where your son is a Judge; it is plainly against the Rules of the Bar Council of India. Judges in Mumbai, Punjab & Haryana and Allahabad, where their kith and kin practice in large numbers, may offer an excuse that the Bar Council of India Rules require a strict interpretation and since you are not appearing before the Bench of which your son is a member you commit no breach of ethics. I dare to ask you in all humility, Sir, are you subscribing to the very same excuse?

With respectful regards,

Yours sincerely.

(Mathews J. Nedumpara)
President



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IN THE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.2199 OF 2019

IN THE MATTER OF

Mathews J. Nedumpara and Others

...PETITIONER

Versus

Shri Fali S. Nariman and Others

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA.

TO

THE HONOURABLE THE CHIEF JUSTICE
AND THE OTHER HONOURABLE PUISNE
JUDGES OF THIS HONOURABLE COURT

THE HUMBLE PETITION OF THE PETITIONER ABOVENAMED

MOST RESPECTFULLY SHEWETH

1. The Petitioners are citizens of India. They are the President, General Secretary, Secretary (Litigation) and Joint Secretary, respectively, of the National Lawyer's Campaign for Judicial Transparency and Reforms (NLC). The NLC is an organization of first generation lawyers formed solely to secure equal treatment and equal opportunities to the first generation lawyers, the ordinary class of first generation lawyers – the sons and daughters of taxi drivers, farmers, fishermen, rickshaw pullers, daily wagers, teachers et al, in all professional avenues and, in particular, in the matter of appointment as Government Law Officers in various Courts and Tribunals, including the High Courts and the Supreme Court of India and elevation as Judges of High Court and the Supreme Court. The NLC considers abolition of the pernicious practice of designation of lawyers as Senior Advocates as it

amounts to discrimination of other lawyers, abolition of the collegium system of selection and appointment of Judges to the higher judiciary and substitution thereof by open selection by notification of vacancies and inviting applications from all eligible candidates and references from all stakeholders, video recording of proceedings of all Courts and Tribunals and make such recording available to the litigants and the public at large where doing so is not against public interest, abolition of the concept of absolute immunity to Judges even where they act maliciously or implicated in criminal offences, simplification of Court procedures, restoration of the pristine glory of Civil Courts as a Court of plenary jurisdiction and minimization of the concept of discretion in the exercise of judicial power as a few other noble goals to be achieved.

2. We inherited the common law from the British, of which the very foundations are *audi alteram partem* – hear the other side – and *nemo debet esse judex in propria causa* - no one can be judge in his own cause. Impartiality, independence and observance of natural justice in the justice delivery system, in other words, equity, justice and fairness, are the very foundations of our legal system; so too of our Constitution. However, in actual practice, in the Temples of Justice, discrimination and injustice vis-à-vis the elite class of lawyers, namely, the kith and kin, nephews and juniors of sitting and former Judges of the Supreme Court and High Courts, so too of celebrated lawyers, Chief Ministers, Governors et al, and a few first generation lawyers who are all politically connected or are close to big industrial houses, those from the legal and judicial dynasties who constitute 5% of the legal fraternity, qua and the first generation lawyers, the underdogs, who

constitute to be 95% of the legal fraternity, who are no less competent than the elite class, yet denied their due place in the Bench and the Bar, is an undeniable truth; so too discriminatory treatment meted out to the common man, the poor, the underprivileged, the marginalized, the slum dwellers and the like, which is the natural corollary of the preferential treatment given to the elite class of lawyers.

3. The collegium system of appointment of Judges to the higher judiciary, purportedly to insulate it from political influence, has led to the higher judiciary being virtually monopolized by the kith and kin, nephews, juniors et al, mentioned above. The fact that most of the former Chief Justices of India and those in the pipeline in the near future, all, hail from judicial dynasties is an undeniable indication that in the higher echelons of judiciary, the common man, the ordinary lawyer, has no place at all. Judges designate lawyers as Senior Advocates and 90% of them are the kith and kin of retired or sitting Judges and the elite class mentioned above. The scenario thus emerging so far as the underdog class of lawyers, the sons and daughters of the common man; so too the poor litigants they represent, is quite disquieting. Corrective measures, therefore, are imperative to be taken on a war footing to cure this defect in the judiciary.
4. The problem of the higher judiciary being the exclusive forte of a few elite judicial and legal dynasties has an extremely insidious effect in the administration of justice inasmuch as in a High Court like Bombay, a lawyer with 30 years of standing, when the fate of his client depends upon orders which are discretionary, is forced to engage a practicing son or daughter of a former or sitting Judge.

The scenario where such a lawyer sitting besides the kith and kin, who is half of his age, is extremely agonizing. It is unbelievable that these things happen in a legal system as ours on which the common man reposes so much faith and trust; such things happen only because legendary Judges like V.R. Krishna Iyer, H.R. Khanna et al have become extinct. When Justice Krishna Iyer was elevated to the Supreme Court, his sons, who were in the legal profession, gave up their practice to obviate any room for doubt that the august office their father as a Judge of the Supreme Court would influence the Presiding Officers before whom they appeared. Legendary Sivasankaran Panicker, the doyen of the Kerala Bar, gave up his practice at a relatively young age when he was at the zenith of his practice and fame when his son, Justice K.S. Radhakrishnan, who later occupied the august office as a Judge of the Supreme Court, was elevated as a Judge of the High Court of Kerala. These are a few examples of the immaculate grandeur of our higher judiciary, which, alas, is no more there in these days when it is most considered necessary.

5. Rule 6 of the Bar Council of India Rules, 1975, CHAPTER II (STANDARDS OF PROFESSIONAL CONDUCT AND ETIQUETTE) is nothing but a statutory recognition of the concept that a Judge should absolutely be impartial and unbiased and he, like the Ceaser's wife, should be above all suspicion (Justice Bowen in *Leeson v. General Council of Medical Education*, 1886-90 All ER 78). It is said that justice must be rooted in confidence and confidence is destroyed when right-minded people go away thinking "the Judge was biased" [Lord Denning in *Metropolitan Property Company v. Lannon*, (1969) 12 KB 577. "The question is not

whether in fact he (the Judge) was or was not biased. ... Public policy requires that in order that there should be no doubt about the purity of the administration, any person who is to take part in it should not be in such a position that he might be suspected of being biased" [*Lord Asher in Alison v. General Council*, (1894) 1 QB 750, and *Ranjit Thakur v. Union of India*, AIR 1987 SC 2386]. The test is not the actual bias, not even the possibility of bias, but reasonable suspicion that bias might infect a decision. (*R v. Sussex Justices*, cited supra). The Court does not look and see if there was a real likelihood that he would or did, in fact, favour one side at the expense of the other. The Court looks at the impression which would be given to other people. (*Metropolitan Property Company*, cited supra). This is the fundamental principle of law. Rule 6 of the Bar Council of India Rules, 1975, CHAPTER - II (STANDARDS OF PROFESSIONAL CONDUCT AND ETIQUETTE) reads thus:-

6. An advocate shall not enter appearance, act, plead or practise in any way before a court, Tribunal or Authority mentioned in Section 30 of the Act, if the sole or any member thereof is related to the advocate as father, grandfather, son, grand-son, uncle, brother, nephew, first cousin, husband, wife, mother, daughter, sister, aunt, niece, father-in-law, mother-in-law, son-in-law, brother-in-law daughter-in-law or sister-in-law. *

However, an Explanation was added to the said Rule as infra:-

*For the purposes of this rule, Court shall mean a Court, Bench or Tribunal in which above mentioned relation of the Advocate is a Judge, Member or the Presiding Officer.

6. The said Explanation, the constitutionality of which remains to be

challenged till date and which is challenged in the instant petition, has meant irreparable damage to our justice delivery system which is known for its impartiality, independence and quality.

7. Today, all the High Courts in our country and even the Supreme Court suffer from the pernicious disease of the kith and kin of retired and sitting Judges practicing in the very same Court where their immediate relatives preside as Judges. This disease is popularly known as the 'uncle Judges syndrome' among legal circles. When Hon'ble Mr. Justice Rohinton Fali Nariman, the illustrious son of legendary Mr. Fali S. Nariman, was elevated as a Judge of the Supreme Court, none expected Mr. Fali S. Nariman to continue to appear before the Hon'ble Judges of the Supreme Court because every petition under Article 32 or 136 of the Constitution filed before it is captioned as "TO THE HON'BLE CHIEF JUSTICE AND HIS COMPANION JUSTICES OF THE HON'BLE SUPREME COURT OF INDIA". Legendary Shri Fali S. Nariman is believed to settle pleadings in cases involving extremely high stakes and the petitions vetted by him are placed for consideration of the Hon'ble the Chief Justice and his Companion Justices of the Hon'ble Supreme Court of India, which includes his illustrious son, Hon'ble Mr. Justice Rohinton F. Nariman.
8. The Petitioners, and in particular the 1st Petitioner who has drafted this petition on behalf of himself and his co-Petitioners, hold the 1st Respondent in the greatest of esteem, owe and respect. The 1st Petitioner has probably read all the books authored by the 1st Respondent; so too his articles and has not allowed himself to miss an opportunity to hear the living legend on his legs. The owe, respect, great love and adoration the Petitioners have for the 1st

Respondent means that there are no differences of opinion at all. The Petitioners consider that the contribution of the 1st Respondent as a lawyer to the administration of justice probably can have no parallel in the world history. The Petitioners, at the same time, believe that to err is human and he has erred; the said errors have literally reduced the judiciary being the exclusive forte of a few scores of judicial and legal dynasties, compelling many among the ordinary class of lawyers think that a time has come for a great movement for fair justice for them and the poor litigants they represent. There are many examples to cite. The foremost is the ridiculous system of Judges appointing themselves. The collegium system was introduced to insulate judicial appointments from political influence and interference, undoubtedly a noble cause, but what was important to remember was that blood is thicker than water and it will lead to nepotism, favouritism and oligarchy. There was only one person to point out that the collegium system is undemocratic and it will destroy the very institution of judiciary itself. That was legendary Justice Krishna Iyer. The 1st Petitioner still recollects an article of His Lordship, may be in the 1990s or early 2000, the caption of which he is unable to fully recollect, but the catchword which His Lordship used was judicial oligarchy.

9. The people of this country, speaking through their elected representatives, sought to bring an end to the collegium system of appointment and transfer of Judges and to substitute it with an independent judicial appointment commission which will give neither the judiciary nor the executive absolute say in judicial appointments. That was what the Constitution (Ninety-ninth Amendment) Act, 2014 and the National Judicial Appointment

Commission Act, 2014 provided for. It was not a Commission where the Government had an upper hand; the Bill had the unanimous support of both the Houses of the Parliament, except for Shri Ram Jethmalani. The reason for his grouse was fairly well known. There are many other instances to cite, but the Petitioners refrain from doing so, except a word about the basic structure and the so-called PILs. The judgment in *Kesavananda Bharati v. The State of Kerala* (1973)Supp. SCR 1 and the doctrine of basic structure evolved therein is no great innovation as is made to believe. The doctrine of basic structure is against the first principle of jurisprudence, namely, that no one could go to a Court unless his rights are infringed. These days, PILs are filed in the Supreme Court not by ordinary mortals but even by celebrity senior lawyers where nobody's fundamental rights are infringed, but the basic structure. The 1st Petitioner had occasion to come across petitions under Article 32 of the Constitution vetted by eminent jurists seeking a certiorari to quash an Act of Parliament. The Petitioners venture not to elaborate this aspect. Under the constitutional scheme, the ordinary Civil Courts were conceived to be the constitutional Courts where the validity of an Act of Parliament could be challenged. The Supreme Court, way back in *Kiran Singh v. Chaman Paswan*, AIR 1954 SC 340, was pleased to hold that a remedy akin to a declaration cannot be granted under Article 32 and that that is in the province of Civil Courts. The elite class of lawyers in Delhi usurped the Civil Court's plenary jurisdiction as a Court of record by creating a myth that the jurisdiction to go into the constitutionality of an Act of Parliament is vested only in the High Court under Article 226 and the Supreme Court under Article

32. Suffice is to say that it was not *Kesavananda Bharati* that saved the great democracy from the clutches of tyranny and dictatorship of late Indira Gandhi. The Emergency was declared in 1975 despite *Kesavananda Bharati*; it was the illiterate voter in 1977 who threw her out of power through ballot. Less said the better.

10. The menace of the kith and kin of Judges practicing in the very same Court where they preside over as Judges is not a new problem. It has been there for decades; the only difference is that now it has assumed gigantic proportions. A Seven-Judge Bench of the Supreme Court in *S.P. Gupta v. Union of India*, AIR 1982 SC 149, had occasion to consider the said issue at great length and the Court was pleased to hold therein that the solution for the problem is for the Judges, where their kith and kin practice as lawyers, themselves volunteer for transfer to another High Court, though the same may not be a solution so far as the Supreme Court is concerned. In this regard, the 1st Petitioner, as President of the NLC, had addressed confidential letters to a few High Court Judges to show the magnanimity and grace to seek voluntary transfer to some other High Court so that the allegation of their kith and kin practicing in the very same Court, which has reached great notoriety, does no damage to the institution of judiciary; so too the Judge concerned. However, the 1st Petitioner is afraid to say that the same did not yield any result, except the Judge whom he had addressed seeking to recuse himself. The 1st Petitioner, therefore, is convinced that writing in private, in confidence, is of no use. Since he felt that continuance of the practice of the 1st Respondent in the Supreme Court even after elevation of his illustrious son as a

Judge of the Supreme Court, he mustered courage to address an open letter dated 08/08/2016 to the living legend. A copy of the letter dated 08/08/2016 is produced as **ANNEXURE "A"(from pages to)**.

11. The Petitioners have focused on the practice of the 1st Respondent in the Supreme Court where his son is a Judge only to point out the magnitude of the situation, for, in the eyes of the common man, legendary Shri Fali Nariman is nothing but the very institution of judiciary itself and his continued practice in the Supreme Court is a matter of shock and disbelief. The scenario emerging is of such a great concern to the common man that it is imperative that the collegium members and the Government of India take appropriate steps to secure transfer of the Judges of High Courts where their kith and kin practice as lawyers to some other High Court keeping in mind all concern for the inconvenience and difficulty to the Judge concerned and taking all such steps to mitigate the same. Hence, the instant Writ Petition under Article 226 of the Constitution on the following, amongst other:

GROUND S

Grounds in support of the reliefs sought for are fairly elaborated in the statement of facts above and hence are not repeated. The Petitioner respectfully submits that paragraphs 1 to 8 hereinabove may be read and treated as the grounds in support of the instant Writ Petition.

12. Petitioner crave leave of this Hon'ble Court to add to, alter, amend and/or modify any of the aforesaid grounds as and when required.
13. The Petitioner states that she has no other efficacious

alternative remedy than to prefer the instant Writ Petition.

14. The Petitioner has not filed any other Petition before this Hon'ble Court or any other Court, seeking such similar reliefs as being sought in this Petition.

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Court may be graciously pleased to:

- (a) declare that the Explanation to Rule 6 of the Bar Council of India Rules, 1975, CHAPTER - II (STANDARDS OF PROFESSIONAL CONDUCT AND ETIQUETTE), which says that 'Court' means not the entire Court, but the particular Court where the relative of a lawyer is a Presiding Judge, negates absolutely the concept of *nemo debet esse judex in propria causa*, and allowing the kith and kin of sitting Judges to practice in the very Court where his father or uncle is a Judge cuts the concepts of fairness, independence and impartiality in the administration of justice at their very root, namely, justice should not only be done, but should manifestly and undoubtedly be seen to be done;
- (b) declare that Respondent No.1, the living legend, is disqualified from appearing in the Supreme Court where his illustrious son, Hon'ble Mr. Justice Rohinton F. Nariman, is a sitting Judge, for, the Supreme Court means the entire Courts as an institution and the petitions which he (Respondent No.1) vets captioned as "To The Hon'ble the Chief Justice and his Companion Justices of the Hon'ble Supreme Court of India" come up before his illustrious son, Hon'ble Mr. Justice Rohinton F. Nariman;

- (c) issue an appropriate direction to the Collegium Members of the Supreme Court and the Government of India to take appropriate steps to secure transfer of the Judges of High Courts, where their kith and kin practice as lawyers, to some other High Court keeping in mind all concern for the inconvenience and difficulty to the Judge concerned and taking all such steps to mitigate the same;
- (d) issue a writ of injunction or any other appropriate writ, order or injunction restraining and prohibiting Respondent No.1 in the Supreme Court;
- (e) grant ad-interim injunction in terms of prayer (d) above; and
- (f) pass such other order or orders, as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

DRAWN AND FILED BY::

(Mathews J.Nedumpara)

(Rohini M.Amin)

(A.C.Philip)

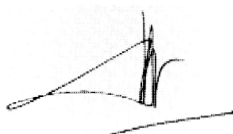
(Amritpal Singh Khalsa)

THE PETITIONERS

PARTY-IN-PERSON

Mob. 9769110823

New Delhi.
26.02.2019



//True Copy//

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 06.03.2019*

+ W.P.(C) 2199/2019

MATHEWS J. NEDUMPARA AND ORS. Petitioners

Through: Mr. Mathews J. Nedumpara,
petitioner No.1 in person and
Mr. A.C. Philip, petitioner No.3
in person.

versus

SHRI FALI S. NARIMAN AND ORS. Respondents

Through: Mr. Rajesh Gogna, CGSC for
R-3.**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE V. KAMESWAR RAO****RAJENDRA MENON, CHIEF JUSTICE**

1. Petitioners have filed this writ petition in public interest and the prayer made in the writ petition reads as under:

“(a) declare that the Explanation to Rule 6 of the Bar Council of India Rules, 1975, CHAPTER – II (STANDARDS OF PROFESSIONAL CONDUCT AND ETIQUETTE), which says that ‘Court’ means not the entire Court, but the particular Court where the relative of a lawyer is a Presiding Judge, negates absolutely the concept of nemo debet esse judex in propria causa, and allowing the kith and kin of sitting Judges to practice in the very Court where his father or uncle is a Judge cuts

the concepts of fairness, independence and impartiality in the administration of justice at their very root, namely, justice should not only be done, but should manifestly and undoubtedly be seen to be done;

(b) declare that Respondent No.1, the living legend, is disqualified from appearing in the Supreme Court where his illustrious son, Hon'ble Mr. Justice Rohinton F. Nariman, is a sitting Judge, for, the Supreme Court means the entire Courts as an institution and the petitions which he (Respondent No.1) vets captioned as "To The Hon'ble the Chief Justice and his Companion Justices of the Hon'ble Supreme Court of India" come up before his illustrious son, Hon'ble Mr. Justice Rohinton F. Nariman;

(c) issue an appropriate direction to the Collegium Members of the Supreme Court and the Government of India to take appropriate steps to secure transfer of the Judges of High Courts, where their kith and kin practice as lawyers, to some other High Court keeping in mind all concern for the inconvenience and difficulty to the Judge concerned and taking all such steps to mitigate the same;

(d) issue a writ of injunction or any other appropriate writ, order or injunction restraining and prohibiting Respondent No.1 in the Supreme Court;

(e) grant ad-interim injunction in terms of prayer (d) above; and

(f) pass such other order or orders, as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."

2. Petitioner No.1 who appears in person took us through the provisions of Rule 6 of the Bar Council of India Rules, 1975, explanation thereto and argued that this Court should declare the aforesaid provision and the words used therein “to mean not only the particular Court where the relative of a lawyer is a Presiding Judge but it should extend to the entire Court where the relative is a Judge.” That apart, he has indicated various facts and made a submission to the effect that the Bar Council of India should be mandated to preserve the concept of *nemo debet esse judex in propria causa* in its letter and spirit and should ban such lawyers from practising in any Court.

3. We have heard learned counsel for the parties and we are of the considered view that in a Public Interest Litigation exercising our extraordinary jurisdiction under Article 226 of the Constitution of India, we cannot issue a declaration as prayed for.

4. Chapter – II (Standards of Professional Conduct and Etiquette) has been formulated in the Bar Council of India Rules, 1975 and Rule 6 thereof along with its explanation reads as under:

“6. An Advocate shall not enter appearance, act, plead or practise in any way before a Court, Tribunal or Authority mentioned in Section 30 of the Act, if the sole or any member thereof is related to the Advocate as father, grandfather, son, grand-son, uncle, brother, nephew, first cousin, husband, wife, mother, daughter, sister, aunt, niece, father-in-law, mother-in-law, son-in-law, brother-in-law, daughter-in-law or sister-in-law.

For the purposes of this rule, Court shall mean a Court, Bench or Tribunal in which above mentioned relation of

the Advocate is a Judge, Member or the Presiding Officer.”

5. The explanation and the meaning of the word “Court” clearly stipulate that it does not mean the entire Court but only refers to a particular Court where relative of a lawyer is a Presiding Judge.

6. According to the petitioner, this explanation indicates the absolute concept of *nemo debet esse judex in propria causa* and therefore the declaration should be given to bring within the ambit of the word “Court” the entire Court where the relative of a lawyer is a Judge.

7. In our considered view, the law does not permit us to do so. The Rule has been formulated by the legislative authorities and we cannot interpret the Rule based on the concept canvassed before us in the manner as submitted by the learned petitioner present before us. It is a cardinal principle of interpretation of statute that the law is to be interpreted in a manner as laid down in the statute book in furtherance to the legislative intent and not to interpret or give it a meaning which runs contrary to the legislative intent. If the provisions of Rule 6 and the explanation contained thereto as appearing in the statutory rules are taken note of, it clearly explains the ambit and import of the word “Court” used therein and if the contention of the petitioner is to be accepted, we would be re-writing the statute in a manner which would run contrary to the legislative intent and this, in our considered view, is not permissible in law. That being the legal position, we see no reason to make any indulgence into the matter.

8. Justice G.P. Singh in Principles of Statutory Interpretation 14th Edition revised by Justice A.K. Patnaik in the Chapter “Intention of the Legislature” has clearly laid down the principle by saying that a statute is an edict of the legislature and the conventional way of interpreting or construing a statute is to seek the intention of its maker. The author propounds that a statute is to be construed according to the intent of those who make it and the duty in judicial review is to act upon the true intention of the legislature. The author further clarifies that if meanings of a word used or the provisions are plain, effect must be given to it irrespective of their consequence. It is stressed by the learned author that when the words of a statute are clear, plain or unambiguous and can have only one meaning, the Courts are bound to give effect to that meaning irrespective of the consequence. It is emphasized by the author that if the words of a statute are clear, precise and unambiguous, then the natural meaning in the ordinary sense have to be given to the meaning and the provisions of the statute.

9. These principles have been reiterated in a judgment rendered by the Hon’ble Supreme Court in the case of *Raghunath Rai Bareja & Anr. v. Punjab National Bank & Ors.*, (2007) 2 SCC 230 and for the sake of convenience we reproduce hereinunder the principles in detail laid down by the Hon’ble Supreme Court:

“40. It may be mentioned in this connection that the first and the foremost principle of interpretation of a statute in every system of interpretation is the literal rule of interpretation. The other rules of interpretation e.g. the mischief rule, purposive interpretation, etc. can only be

resorted to when the plain words of a statute are ambiguous or lead to no intelligible results or if read literally would nullify the very object of the statute. Where the words of a statute are absolutely clear and unambiguous, recourse cannot be had to the principles of interpretation other than the literal rule, vide Swedish Match AB v. Securities and Exchange Board of India (2004) 11 SCC 641]. As held in Prakash Nath Khanna v. CIT (2004) 9 SCC 686 the language employed in a statute is the determinative factor of the legislative intent. The legislature is presumed to have made no mistake. The presumption is that it intended to say what it has said. Assuming there is a defect or an omission in the words used by the legislature, the court cannot correct or make up the deficiency, especially when a literal reading thereof produces an intelligible result, vide Delhi Financial Corpn. v. Rajiv Anand (2004) 11 SCC 625. Where the legislative intent is clear from the language, the court should give effect to it, vide Govt. of A.P. v. Road Rollers Owners Welfare Assn. (2004) 6 SCC 210 and the court should not seek to amend the law in the garb of interpretation.

41. As stated by Justice Frankfurter of the US Supreme Court (see “Of Law & Men : Papers and Addresses of Felix Frankfurter”):

“Even within their area of choice the courts are not at large. They are confined by the nature and scope of the judicial function in its particular exercise in the field of interpretation. They are under the constraints imposed by the judicial function in our democratic society. As a matter of verbal recognition certainly, no one will gainsay

that the function in construing a statute is to ascertain the meaning of words used by the legislature. To go beyond it is to usurp a power which our democracy has lodged in its elected legislature. The great judges have constantly admonished their brethren of the need for discipline in observing the limitations. A judge must not rewrite a statute, neither to enlarge nor to contract it. Whatever temptations the statesmanship of policy-making might wisely suggest, construction must eschew interpolation and evisceration. He must not read in by way of creation. He must not read out except to avoid patent nonsense or internal contradiction.”

42. As observed by Lord Cranworth in *Gundry v. Pinniger* (1852) 21 LJ Ch 405 : 42 ER 647

“ ‘To adhere as closely as possible to the literal meaning of the words used’, is a cardinal rule from which if we depart we launch into a sea of difficulties which it is not easy to fathom.”

43. In other words, once we depart from the literal rule, then any number of interpretations can be put to a statutory provision, each judge having a free play to put his own interpretation as he likes. This would be destructive of judicial discipline, and also the basic principle in a democracy that it is not for the Judge to legislate as that is the task of the elected representatives of the people. Even if the literal interpretation results in hardship or inconvenience, it has to be followed (see G.P. Singh's Principles of Statutory Interpretations, 9th Edn., pp. 45-49). Hence departure from the literal rule should

only be done in very rare cases, and ordinarily there should be judicial restraint in this connection.

44. As the Privy Council observed (per Viscount Simonds, L.C.): (IA p. 71)

“Again and again, this Board has insisted that in construing enacted words we are not concerned with the policy involved or with the results, injurious or otherwise, which may follow from giving effect to the language used.” (See King Emperor v. Benoari Lal Sarma (1944-45) 72 IA 57)

45. As observed by this Court in *CIT v. Keshab Chandra Mandal* AIR 1950 SC 265 :

“Hardship or inconvenience cannot alter the meaning of the language employed by the legislature if such meaning is clear on the face of the statute....”

46. The rules of interpretation other than the literal rule would come into play only if there is any doubt with regard to the express language used or if the plain meaning would lead to an absurdity. Where the words are unequivocal, there is no scope for importing any rule of interpretation vide *Pandian Chemicals Ltd. v. CIT* (2003) 5 SCC 590.

47. It is only where the provisions of a statute are ambiguous that the court can depart from a literal or strict construction vide *Nasiruddin v. Sita Ram Agarwal* (2003) 2 SCC 577. Where the words of a statute are plain and unambiguous effect must be given to them vide *Bhaiji v. Sub-Divisional Officer* (2003) 1 SCC 692.

48. No doubt in some exceptional cases departure can be made from the literal rule of the interpretation e.g. by adopting a purposive construction, Heydon's mischief rule, etc. but that should only be done in very exceptional cases. Ordinarily, it is not proper for the court to depart from the literal rule as that would really be amending the law in the garb of interpretation, which is not permissible vide *J.P. Bansal v. State of Rajasthan* (2003) 5 SCC 134, *State of Jharkhand v. Govind Singh* (2005) 10 SCC 437. It is for the legislature to amend the law and not the court vide *State of Jharkhand v. Govind Singh* (2005) 10 SCC 437. In *Jinia Keotin v. Kumar Sitaram Manjhi* (2003) 1 SCC 730 this Court observed (SCC p. 733, para 5) that the court cannot legislate under the garb of interpretation. Hence there should be judicial restraint in this connection, and the temptation to do judicial legislation should be eschewed by the courts. In fact, judicial legislation is an oxymoron.

49. In *Shiv Shakti Coop. Housing Society v. Swaraj Developers* (2003) 6 SCC 659 this Court observed: (SCC p. 669, para 19)

“19. It is a well-settled principle in law that the court cannot read anything into a statutory provision which is plain and unambiguous. A statute is an edict of the legislature. The language employed in a statute is the determinative factor of legislative intent.”

50. In our opinion, Section 31 is plain and unambiguous and it clearly says that only those suits or proceedings pending before a court shall stand transferred to the Tribunal which were pending on the date when the

Tribunal was established.”

(emphasis supplied)

10. Once meaning of the word “Court” used in the rule has been explained by the rule maker in a particular manner, its explanation in a manner to give it a totally different meaning would be inconsistent to and contrary to the principles of law and the principles governing interpretation of statutes.

11. That being so, we are not inclined to interfere into the matter. The writ petition is dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

MARCH 06, 2019

kks



A handwritten signature in black ink, appearing to be 'V. Kameswar Rao', is written over a horizontal line.

REPORTABLE

IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

SUO MOTU CONTEMPT PETITION (CRL.) NO. 1 OF 2019

IN RE: MR. MATHEWS NEDUMPARA

O R D E R

By a judgment dated 12th March, 2019 in National Lawyers Campaign for Judicial Transparency and Reforms & Ors. vs. Union of India and Ors. (Writ Petition (C) No. 191 of 2019), this Bench held that Shri Mathews Nedumpara, Advocate has committed contempt in the face of the Court. In the interest of justice, however, notice was issued to Shri Nedumpara as to the punishment to be imposed upon him for committing contempt in the face of the Court.

Shri Nedumpara appeared today before us both by himself and through Advocate Shri Subhash Jha.

In the morning session, Shri Nedumpara did his best to see that the matter was not heard by this Bench. He informed us that a Transfer Petition was filed asking the Chief Justice of India to transfer this case from this Bench to some other Bench. He also stated that he was going to file an application for recall of our order dated 12th March, 2019. He then cited latin maxims and said that justice must be seen to be done. He also referred to the famous Rex vs. Sussex Justices case and referred generally to the fact that relatives of Judges should not be seen practicing in the same Court. He later asked the Bench to grant a "pass over" of his matter inasmuch as his lawyer Shri Subhash Jha was on his way from Mumbai. The Bench agreed and placed the matter at 2.00 p.m.

At 2.00 p.m., Shri Jha came and addressed us, and pointed out Sections 14 (1) & (2) of the Contempt of Courts Act, 1971 together with Section 479 of the Criminal Procedure Code. He also made various other

submissions which the Court reminded him were not on the punishment aspect of this case. He continued, however, arguing as if he was arguing a review petition in the open Court. While Shri Jha was arguing, Shri Nedumpara stepped in again and went on a long ramble as to how he had not in fact impersonated Justice Vazifdar, which is one of the many incidents referred to in our judgment dated 12th March, 2019. At this stage, Shri Nedumpara then tendered an apology to this Court by way of an affidavit duly signed by him in the Court in our presence. The affidavit reads as follows:-

"AFFIDAVIT

I, Mathews J. Nedumpara, Advocate, aged 60 years, Indian Inhabitant, residing at Harbour Heights, "W" Wing, 12-F, 12th Floor, Sassoon Docks, Colaba, Mumbai-400 005, now in Delhi, do hereby swear and state as follows:-

1. A Bench of this Hon'ble Court comprising Hon'ble Shri Justice Rohinton F. Nariman and Hon'ble Shri Justice Vineet Saran, by judgment and order dated 12th March, 2019, was pleased to hold

me guilty for contempt in the face of the Court and list the case for hearing on the question of punishment.

2. I happened to mention the name of Shri Fali S. Nariman to buttress my proposition that even legendary Shri Fali Nariman is of the view that the seniority of a lawyer should be reckoned from the date of his enrolment and nothing else. However, I was misunderstood. I along with some office bearers of the National Lawyers' Campaign for Judicial Transparency and Reforms have instituted Writ Petition No.2199/2019 in the High Court of Delhi for a declaration that the Explanation to Rule 6 of the Bar Council of India Rules is void inasmuch as it explains that the word "Court" does not mean the entire Court, but the particular Court in which the relative of a lawyer is a Judge. I instituted the said petition only to raise the concern many lawyers share with me regarding the immediate relatives practising in the very same Court where their relative is a Judge. In retrospection I realize that it was an error on my part to have arrayed Shri Fali Nariman as a Respondent to the said petition. I regret the same; no words can sufficiently explain my contrition and regret. I also in retrospection

realize that I have erred even during the conduct of the above case before this Hon'ble Court and I probably would not have kept upto what is expected of me as a lawyer in the Bar for 35 years and crossed the age of 60. I feel sorry, express my contrition and tender my unconditional apology, while maintaining that some of the accusations levelled against me in the judgment dated 12th March, 2019 are absolutely wrong, which are, ex facie, black and white, and as incontrovertible as day and night.

3. The apology tendered by me hereinabove be accepted and I may be purged of the contempt.

Solemnly sworn at Delhi

Sd/-

this 27th day of March, 2019 (Mathews J. Nedumpara)"

We have considered the affidavit so filed in the light of the incidents that have taken place in the Bombay High Court as well as in this Court.

Given the fact that Shri Nedumpara now undertakes to this Court that he will never again attempt to browbeat any Judge either of this Court or of the

Bombay High Court, we sentence Shri Nedumpara to three months imprisonment which is, however, suspended only if Shri Nedumpara continues in future to abide by the undertaking given to us today. In addition, Shri Nedumpara is barred from practicing as an Advocate before the Supreme Court of India for a period of one year from today. This disposes of the punishment aspect of the contempt that was committed in the face of the Court.

A letter dated 23.03.2019, received by the office of the Judges of this Bench on 25.03.2019, is a letter that is sent to the President of India, the Chief Justice of India and the Chief Justice of the High Court of Bombay by the President of the Bombay Bar Association and the President of the Bombay Incorporated law Society. The aforesaid letter states:

"We have come across, in the social media, copies of the following complaints purportedly made against Hon'ble Mr. Justice R.F. Nariman and Hon'ble Mr. Justice Vineet Saran, Judges, Supreme Court of India.

1. A complaint made with Your Excellency's Secretariat by one 'Indian Bar Association' dated 20th March, 2019 bearing Grievance No.PRSEC/E/2019/05351 ("the first complaint"), through one Advocate Mr. Vijay Kurle, against sitting Judges of the Hon'ble Supreme Court of India, the Hon'ble Mr. Justice R.F. Nariman and the Hon'ble Mr. Justice Vineet Saran, seeking permission to prosecute the Learned Judges and withdrawal of judicial work from them for having passed a Judgment dated 12th March, 2019 convicting Mr. Mathews Nedumpara for having committed contempt of the Hon'ble Supreme Court of India. It has been addressed to Your Lordship the Hon'ble Chief Justice of India and a copy thereof has been endorsed to Your Lordship the Hon'ble Chief Justice, Bombay High Court.

2. A complaint dated 19th March, 2019 made with Your Excellency's Secretariat bearing Grievance for Registration No.PRSEC/E/2019/05242 ("the second complaint") by one Mr. Rashid Khan Pathan said to be the National Secretary, Human Rights Security Council, seeking similar directions/permissions against the Hon'ble Mr. Justice R.F. Nariman and the Hon'ble Mr. Justice Vineet Saran for having passed another order in another matter. It has been addressed to Your Excellency and Your Lordship the Hon'ble Chief Justice of India.

Copies of these purported complaints which have been circulated in the social media are annexed as Annexure"1" and Annexure"2"."

The prayers made in the complaint filed by the Indian Bar Association are as follows:-

"(i) Taking action Action be taken under Section 218, 201, 219, 191, 192, 193, 466, 471, 474 read with 120(b) and 34 of Indian Penal Code against Justice Rohinton Fali Nariman and Justice Vineet Saran for passing order by willful disregard, disobedience and misinterpretation of law laid down by the Constitution Bench of Hon'ble Supreme Court with intention to terrorize advocates.

(ii) Immediate direction be passed for withdrawal of all works from Justice Rohinton Fali Nariman and Justice Vineet Saran as per 'In-House-Procedure'.

(iii) Directions be given to Justice Rohinton Fali Nariman and Justice Vineet Saran to resign forthwith by following the direction of Constitution Bench in K. Veeraswami vs. Union of India (UOI) and Ors. 1991 (3) SCC 655 as the incapacity, fraud on power and offences against administration of justice are ex-facie proved.

OR

(iv) Applicant be accorded sanction to prosecute Justice Rohinton Fali Nariman under Section 218, 201, 219, 191, 192, 193, 466, 471, 474 read with 120(b) and 34 of the Indian Penal Code.

v) Direction be given for Suo Motu action under Contempt of Courts Act as per law laid down in Re: C.S. Karnan's Case (2017) 7 SCC 1, Justice Markandey Katju's case & in Rabindra Nath Singh vs. Rajesh Ranjan (2010) 6 SCC 417 for willful disregard of law laid down by Hon'ble Supreme Court in :-

a) Vinay Chandra Mishra's case AIR 1995 SC 2348 (Full Bench)

b) Dr. L.P. Misra vs. State of U.P. (1998) 7 SCC 379 (Full Bench)

c) Leila David vs. State of Maharashtra & Ors. (2009) 10 SCC 337

d) Nidhi Kaim & Anr. vs. State of Madhya Pradesh & Ors. (2017) 4 SCC 1

e) Dwarikesh Sugar Industries Ltd. vs. Prem Heavy Engineering Works AIR 1997 SC 2477

f) Sukhdev Singh Sodhi vs. Chief Justice S. Teja Singh, 1954 SCR 454

g) Mohd. Zahir Khan vs. Vijai Singh & Ors AIR 1992 SC 642."

The prayers made in the complaint filed by the Human Rights Security Council are as follows:-

"i) Action be taken under Section 218, 201, 219, 191, 192, 193, 466, 471, 474 read with 120 (b) and 34 of Indian Penal Code against Justice Rohinton Fali Nariman and Justice Vineet Saran for passing order by willful disobedience of law laid down by the Hon'ble Supreme Court with intention to help the accused husband in serious case of practicing fraud upon the Court.

ii) Immediate direction be passed for withdrawal of all works from Justice Rohinton Fali Nariman and Justice Vineet Saran as per 'In-House-Procedure'.

iii) Directions be given to Justice Rohinton Fali Nariman & Justice Vineet Saran to resign forthwith by following the direction of Constitution Bench in K. Veeraswami vs. Union of India (UOI) and Ors. 1991 (3) SCC 655 as the incapacity, fraud on power

and offences against administration of justice are ex-facie proved.

OR

(iv) Applicant be given sanction to prosecute Justice Rohinton Fali Nariman under Section 218, 201, 219, 191, 192, 193, 466, 471, 474 read with 120(b) and 34 of Indian Penal Code.

(v) Direction be given for Suo Motu action under Contempt of Courts Act as per law laid down in Re: C.S. Karnan's Case (2017) 7 SCC 1, Justice Markandey Katju's Case and in Rabindranath Singh vs. Rajesh Ranjan (2010) 6 SCC 417 for willful disregard of law laid down by Hon'ble Supreme Court in :- P.C. Purushothama Reddiar vs. s. Perumal 1972 (1) SCC 9 (FULL BENCH), Sciemed Overseas Inc. vs. BOC India Limited and Ors (2016) 3 SCC 70, Surendra Gupta vs. Bhagwan Devi (Smt.) and Another, (1994) 4 SCC 657, Dwarikesh Sugar Industries Ltd. vs. Prem Heavy Engineering Works (P) Ltd. And Another AIR 1997 SC 2477, State of Goa vs. Jose Maria Albert Vales (2018) 11 SCC 659, Iqbal Singh Marwah & Anr. vs. Meenakshi Marwah & Anr. (2005) 4 SCC 370 (5-Judge Bench). In Re Suo Motu Proceedings against R. Karuppan (2001) 5 SCC 289 (Full Bench), Maria Margarida Sequeira Fernandes and Ors. Vs. Erasmo Jack de Sequeira (Dead) through L.Rs AIR 2012 SC 1727."

It can be seen on a comparison of the prayers in both the complaints that they are substantially similar showing that prima facie the aforesaid Shri Vijay Kurle and Shri Rashid Khan Pathan are acting in tandem. Also,

the complaints are dated 20th March, 2019 and 19th March, 2019. Para 3.14 of the said letter is significant and reads as follows:

"3.14 The Bombay Bar Association and the Bombay Incorporated Law Society have reason to believe that Mr. Nilesh Ojha and Mr. Mathews Nedumpara are in tandem with one another. In Criminal contempt Petition No.3 of 2017, which was initiated as a result of various acts of Mr. Nilesh Ojha and his associates, Mr. Mathews Nedumpara appeared for one of the contemnors. Similarly, in a Petition being Writ Petition (L) No.1180 of 2018 filed by Mr. Mathews Nedumpara against Hon'ble Mr. Justice S.J. Kathawalla alleging "judicial defamation" and seeking compensation, Mr. Nilesh Ojha appeared for Mr. Mathews Nedumpara. The timing at which these complaints have been made after the bench comprising of Hon'ble Mr. Justice R.F. Nariman and Hon'ble Mr. Justice Vineet Saran of the Supreme Court of India held Mr. Mathews Nedumpara guilty of contempt of Court and also the contents of the complaint of Indian Bar Association make it apparent that these complaints are made to browbeat the Court for having initiated contempt proceedings against Mr. Mathews Nedumpara. It is pertinent to note that the Standing/Managing Committees of all the three Bar Associations attached to the Bombay High Court being Bombay Bar Association, Advocates' Association of Western India, and the Bombay Incorporated Law Society passed Resolutions appreciating and welcoming the judgment dated 12th March, 2019 of the Hon'ble Supreme Court of India.

Copies of the said Resolutions are hereto annexed and marked as Annexures "13", "14" and "15"."

We annex the aforesaid letter dated 23.03.2019 to the present order.

Given the two complaints filed, it is clear that scandalous allegations have been made against the members of this Bench. We, therefore, issue notice of contempt to (1) Shri Vijay Kurle; (2) Shri Rashid Khan Pathan; (3) Shri Nilesh Ojha and (4) Shri Mathews Nedumpara to explain as to why they should not be punished for criminal contempt of the Supreme Court of India, returnable within two weeks from today.

Given the serious nature of the allegations levelled against this Bench, the Chief Justice of India to constitute an appropriate Bench to hear and decide this contempt case.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(VINEET SARAN)

New Delhi;

March 27, 2019.

BOMBAY BAR ASSOCIATION

Room No. 57, 3rd Floor, High Court,
Dr. M. Kane Marg, Bombay - 400032

**THE BOMBAY INCORPORATED
LAW SOCIETY**

High Court New Building, North Wing,
Bombay - 400032

23rd March 2019

To,

- (1) The Hon'ble President of India,
Rashtrapati Bhavan,
New Delhi - 110 004
- (2) The Hon'ble Chief Justice of India,
Supreme Court of India,
Tilak Marg, New Delhi-110201
- (3) The Hon'ble Chief Justice of High Court of Bombay,
Bombay High Court,
Fort, Mumbai - 400032

**Re: Factual perspective to the frivolous Complaints made
against Hon'ble Mr. Justice R. F. Nariman and Hon'ble
Mr. Justice Vineet Saran, Hon'ble Judges of the Supreme
Court of India and registered as**

- (i) **Grievance No. PRSEC/E/2019/05351.**
- (ii) **Grievance No. PRSEC/E/2019/05242.**

Your Excellency and Your Lordships,

The Bombay Bar Association is the oldest Bar Association in the country, established in the year 1824 with recorded history of over 150 years. Bombay Bar Association has over these years relentlessly strived for protection of the independence of the judiciary and protection of rule of law. Bombay Bar Association has played a pivotal role in protest against Emergency, protecting personal liberties and attack on the judiciary in supersession of judges particularly during Emergency.

The Bombay Incorporated Law Society is an association of Solicitors in the city of Mumbai attached to the Hon'ble Bombay High Court with a history dating back to

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1894. The Bombay Incorporated Law Society has made valuable contribution to the legal profession including supporting and protecting the independence of the judiciary over the years.

We have come across, in the social media, copies of following complaints purportedly made against Hon'ble Mr. Justice R.F. Nariman and Hon'ble Justice Vineet Saran, Judges, Supreme Court of India.

1. A complaint made with Your Excellency's Secretariat by one 'Indian Bar Association' dated 20th March 2019 bearing Grievance No. PRSEC/E/2019/05351 ("**the first complaint**"), through one Advocate Mr. Vijay Kurle, against sitting Judges of the Hon'ble Supreme Court of India, the Hon'ble Mr. Justice R.F. Nariman and the Hon'ble Mr. Justice Vineet Saran, seeking permission to prosecute the Learned Judges and withdrawal of judicial work from them for having passed a judgment dated 12th March 2019 convicting Mr. Mathews Nedumpara for having committed contempt of the Hon'ble Supreme Court of India. It has been addressed to Your Lordship the Hon'ble Chief Justice of India and a copy thereof has been endorsed to Your Lordship the Hon'ble Chief Justice, Bombay High Court.
2. A complaint dated 19th March 2019 made with Your Excellency's Secretariat bearing Grievance for Registration No. PRSEC/E/2019/05242 ("**the second complaint**") by one Mr. Rashid Khan Pathan said to be the National Secretary, Human Rights Security Council, seeking similar directions/permissions against the Hon'ble Mr. Justice R.F. Nariman and the Hon'ble Mr. Justice Vineet Saran for having passed another order in another matter. It has been addressed to Your Excellency and Your Lordship the Hon'ble Chief Justice of India.

Copies of these purported complaints which have been circulated in the social media are annexed as Annexure "1" and Annexure "2".

3. We would like to bring to your notice the following facts in this regard:

- 3.1. The complainant in the first complaint, Indian Bar Association, is neither a recognised Bar Association nor a Bar Association attached to the Hon'ble Bombay High Court. We have reasons to believe that the said body is a self-serving body floated by one Mr. Nilesh Ojha, Advocate and Mr. Vijay Kurle and is used as a platform to intimidate the judiciary as a whole and in particular to settle personal vendetta against Hon'ble Judges of the Bombay High Court and Supreme Court of India.
- 3.2. Mr. Nilesh Ojha, the purported National President of the complainant had appeared in a matter before the Bombay High Court wherein an order was passed against his client. Immediately after the order, Mr. Nilesh Ojha made various scurrilous and contemptuous allegations against the Hon'ble Judge who passed the order. The videos of persons whose interests were represented by Mr. Ojha and of Mr. Ojha making scandalous and scurrilous allegations against the Hon'ble Judge were also uploaded on the Internet through 'YouTube' website. Mr. Vijay Kurle was also one of the persons who gave interviews which were uploaded making scurrilous and scandalous statements against the Learned Judge. Mr. Rashid Khan, the complainant in the second complaint was also one of the parties who gave interview and made scurrilous and scandalous statements. The Bombay Bar Association and the Advocates' Association of Western India being the two recognised Bar Associations attached to the Hon'ble Bombay High Court have already filed a Criminal Contempt Petition in the Bombay High Court against various parties including Mr. Nilesh Ojha, Mr. Vijay Kurle and Mr. Rashid Khan after obtaining consent from the Advocate General of Maharashtra. The Contempt Petition was heard for admission. In the said Contempt Petition, the complainant in the second complaint Mr. Rashid Khan was also a Respondent. By an order dated 22nd February 2017, a Division Bench of the Hon'ble Bombay High Court, after considering the videos and the transcripts thereof, observed that the said materials were an attempt to scandalise the Court and calculated to interfere with the administration of justice. The Hon'ble Bombay High Court in the said

Contempt Petition by various orders also directed that the offending videos be removed from the internet at large and restrained dissemination of the same / similar videos. The Petition was admitted and notices were issued to various Respondents including Mr. Nilesh Ojha, Mr. Vijay Kurle and Mr. Rashid Khan as to why they should not be punished for contempt of Court.

- 3.3. The Division Bench further observed that Mr. Nilesh Ojha was threatening to prosecute the judges of the Hon'ble Bombay High Court and therefore the Contempt Petition is of great importance to the institution of the judiciary and concerns the independence of the judiciary. The matter was directed to be placed before the Hon'ble Chief Justice of the High Court for being placed before a larger Bench of 3 or more judges. A Contempt Petition is pending before a 5-Judge Bench of the Hon'ble Bombay High Court. Annexed hereto and marked as Annexure "3" and "4" are copies of the said Criminal Contempt Petition (No. 3 of 2017) filed by the two Bar Associations (without exhibits) and the orders passed therein. It is pertinent to note that in these contempt proceedings, Mr. Mathews Nedumpara, Advocate appeared to defend one of the contemnors.
- 3.4. In the Contempt Petition, the Petitioners have also set-out at length how in the past, Mr. Nilesh Ojha had initiated proceedings against sitting judges and also his conduct as recorded in various proceedings.
- 3.5. In early 2017, the Bombay Bar Association and Advocates' Association of Western India also passed resolutions deprecating these scurrilous attacks on judges and expressing full faith in the Learned Judge of the Bombay High Court against whom allegations were made. Copies of the Minutes of Meetings where the said resolution was passed by the Bombay Bar Association is hereto annexed and marked as Annexure "5".

3.6. Mr. Nilesh Ojha, Mr. Vijay Kurlle and their associates have a history of making frivolous allegations against Judges, if they do not get favourable orders in cases they appear in. They have made allegations against various sitting judges of Bombay High Court and "Indian Bar Association" is their front which is apparently established as a self-serving association to make frivolous allegations against judges and lawyers.

3.7. Not being satisfied with the contumacious acts, a vexatious representation / complaint was addressed by Indian Bar Association to Your Excellency in 2018 against Hon'ble Mr. Justice S.J. Kathawalla, a judge of the Bombay High Court seeking permission to prosecute the Learned Judge and making similar allegations and seeking similar directions. The Bombay Bar Association made a representation to Your Excellency by a letter dated 30th June 2018 exposing the 'modus operandi of these persons', their systematic attempt of making allegations against sitting judges and even Advocates appearing against them. In the complaint against Hon'ble Mr. Justice S.J. Kathawalla, the Indian Bar Association had made false allegations that the Learned Judge had a soft corner for certain Advocates and sought a CBI inquiry and audit of cases handled by the said Advocates. In the representation of the Bombay Bar Association, it was pointed out that each of the said lawyers had in the past appeared either against Mr. Nilesh Ojha or against Mr. Mathews Nedumpara and that they were being named only to malign them and to deter the said Advocates from appearing against them.

A copy of the representation of the Bombay Bar Association (without exhibits) is annexed as Annexure "6" hereto.

3.8. Mr. Nilesh Ojha had earlier filed a malicious complaint dated 3rd December 2015 with Your Excellency's Secretariat seeking resignation and criminal prosecution against Hon'ble Mr. Justice A.K. Menon, judge of Bombay High Court who had passed an order against Mr. Nilesh Ojha's client and issued criminal contempt notice against Mr. Nilesh Ojha for making scandalous

allegations against Advocates appearing against him. The complaint was rejected as it was without any verifiable fact. A copy of the complaint status and grievance lodged against Hon'ble Mr. Justice A.K. Menon is annexed hereto and marked as Annexure "7".

A copy of the order dated 22nd January 2016 passed by Hon'ble Mr. Justice A.K. Menon against Mr. Nilesh Ojha is annexed hereto and marked as Annexure "8" hereto.

- 3.9. Mr. Nilesh Ojha through another client of his Mr. Gopal Shetye (who is also one of the contemnors in the Contempt Petition filed by Bombay Bar Association and Advocates' Association of Western India) had got filed a complaint in the State Bar Council against various Advocates who appeared against him (Mr. Ojha) in Bombay High Court Suit No. 471 of 2016, the proceedings in which led to the initiation of the Criminal Contempt proceedings as mentioned hereinabove.
- 3.10. Similarly, Mr. Gopal Shetye, with Mr. Nilesh Ojha appearing for him, had earlier attempted to prosecute another judge of the Hon'ble Bombay High Court, being Hon'ble Mr. Justice V.M. Kanade (now retired) and had filed a criminal complaint seeking prosecution along with compensation for defamation of Rs. 500 Crores against the Judge for having passed a judicial order against Mr. Shetye. The Sessions Court dismissed Mr. Gopal Shetye's application as not maintainable. A writ petition seeking compensation of Rs. 200 crores against the Hon'ble Judge for having passed judicial orders was also filed in the Bombay High Court, and rejected by an Order dated 5th May 2017.

Hereto annexed and marked as Annexure "9" is a copy of the Order dated 1st February 2017 passed by the Sessions Court and Annexure "10" is a copy of the Bombay High Court Order dated 5th May 2017.

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3.11. Mr. Nilesh Ojha in Suit No. 471 of 2016 initiated proceedings seeking prosecution of distinguished Senior Advocates, Mr. Aspi Chinoy and Ms. Rajani Iyer and prayed that they be stripped of their senior designations. The said applications were rejected and contempt proceedings were initiated against Mr. Nilesh Ojha which are referred to hereinabove.

3.12. In the aforesaid Criminal Contempt Petition No. 3 of 2017 initiated by Bombay Bar Association and Advocates' Association of Western India against Mr. Nilesh Ojha & Ors., Mr. Nilesh Ojha filed applications seeking prosecution against the office bearers of Bombay Bar Association and Advocates' Association of Western India who had affirmed the Criminal Contempt Petition.

3.13. The Indian Bar Association also filed an application before Your Excellency dated 23rd January 2019 numbered as PRSEC/E/2019/01530 against sitting judges of the Bombay High Court being Hon'ble Mr. Justice K.K. Tated, Hon'ble Mr. Justice B.P. Colabawala and Hon'ble Mr. Justice N.J. Jamdar for having passed certain judicial orders. The said complaint was signed by Mr. Vijay Kurle. The Bombay Bar Association responded to the said complaint pursuant to a Resolution of the Standing Committee and forwarded the same to Your Excellency's Secretariat, bringing to notice the correct factual perspective.

A copy of the said complaint and the representation dated 29th January 2019 made by the Bombay Bar Association are annexed at Annexures "11" and "12" hereto.

3.14. The Bombay Bar Association and the Bombay Incorporated Law Society have reason to believe that Mr. Nilesh Ojha and Mr. Mathews Nedumpara are in tandem with one another. In Criminal Contempt Petition No. 3 of 2017, which was initiated as a result of various acts of Mr. Nilesh Ojha and his associates, Mr. Mathews Nedumpara appeared for one of the contemnors. Similarly, in a

Petition being Writ Petition (L) No. 1180 of 2018 filed by Mr. Mathews Nedumpara against Hon'ble Mr. Justice S.J. Kathawalla alleging "judicial defamation" and seeking compensation, Mr. Nilesh Ojha appeared for Mr. Mathews Nedumpara. The timing at which these complaints have been made after the bench comprising of Hon'ble Justice R.F. Nariman and Hon'ble Mr. Justice Vineet Saran of the Supreme Court of India held Mr. Mathews Nedumpara guilty of contempt of Court and also the contents of the complaint of Indian Bar Association make it apparent that these complaints are made to browbeat the Court for having initiated contempt proceedings against Mr. Mathews Nedumpara. It is pertinent to note that the Standing/Managing Committees of all the three Bar Associations attached to the Bombay High Court being Bombay Bar Association, Advocates' Association of Western India, and the Bombay Incorporated Law Society passed Resolutions appreciating and welcoming the judgment dated 12th March 2019 of the Hon'ble Supreme Court of India.

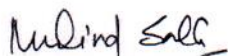
Copies of the said Resolutions are hereto annexed and marked as Annexures "13", "14" and "15".

4. The allegations made in the complaints against the Learned Judges of the Supreme Court of India under reference are false, vexatious and designed to intimidate and browbeat the judges. The allegations are in respect of their acts in discharging judicial duties. The remedy of a person aggrieved by such a judicial order is to take legal recourse by filing an appeal or other appropriate proceeding and a judge cannot be asked to be prosecuted for passing orders in judicial proceedings, which a person perceives as wrong or contrary to law. This is also clearly impermissible in view of the provisions of the Judges (Protection) Act, 1985 passed by Parliament. In fact, the Indian Bar Association has gone to the extent of saying that the order was passed by the bench of the Hon'ble Supreme Court for ulterior reason of protecting a High Court Judge. The said allegation is false, scandalous and scurrilous.

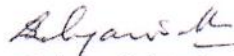
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5. It is thus clear that the complaints under reference are yet another attempt to scandalise, terrorise and intimidate judges of the Supreme Court of India. The Bombay Bar Association and the Bombay Incorporated Law Society have reposed their full faith and confidence in the Hon'ble Judges against whom the complaints have been made from time to time.
6. The attempts like the present complaints are malicious and frivolous attempts by disgruntled lawyers and parties to terrorise and intimidate judges and sent them a signal that they will indulge in vilification campaign against the judges. These attempts ought not to be countenanced. They are a serious threat to the institution of judiciary and its independence which is the backbone of any democracy.
7. We request that the complaints be rejected at the earliest and appropriate actions be taken. We would like to draw your attention to another serious issue that even the pendency of the application in the Secretariat of Your Excellency has been abused and in the past, prosecutions have been initiated / threatened against judges of the Hon'ble Bombay High Court on the false and baseless pretext that a lack of response tantamount to Your Excellency's "deemed consent" for prosecution of the judges. In fact, the complaints under reference filed by Indian Bar Association seek to contend that there was an alleged "deemed consent" by Your Excellency for prosecution of a sitting judge of the Bombay High Court. We, therefore, request Your Excellency to reject the aforesaid complaint so as to thwart this scurrilous and scandalous attempt on the independence of the judiciary and prevent interference with the administration of justice.

Yours truly



Dr. Milind Sathe,
President, Bombay Bar Association



Mr. Kaiwan Kalyaniwalla,
President, Bombay Incorporated
Law Society

ITEM NO.10

COURT NO.5

SECTION XVII

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Suo Motu Contempt Petition (Crl.) No(s). 1/2019

IN RE : MATHEWS NEDUMPARA

Date : 27-03-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) By Courts Motion

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

The Court came to the following conclusion, in terms of the signed reportable order:

"The punishment aspect of the contempt that was committed in the face of the Court stands disposed of."

Given the two complaints filed, it is clear that scandalous allegations have been made against the members of this Bench. We, therefore, issue notice of contempt to (1) Shri Vijay Kurle; (2) Shri Rashid Khan Pathan; (3) Shri Nilesh Ojha and (4) Shri Mathews Nedumpara to explain as to why they should not be

punished for criminal contempt of the Supreme Court of India, returnable within two weeks from today.

Given the serious nature of the allegations levelled against this Bench, the Chief Justice of India to constitute an appropriate Bench to hear and decide this contempt case.

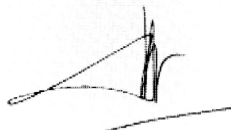
(R. NATARAJAN)

(RENU DIWAN)

COURT MASTER (SH)

ASSISTANT REGISTRAR

(Signed reportable order is placed on the file)

A handwritten signature in black ink, consisting of a stylized 'A' shape with a vertical line through it and a horizontal line at the bottom.

//True Copy//

RESTATEMENT OF VALUES OF JUDICIAL LIFE

[As adopted by Full Court Meeting of the
Supreme Court of India on 7th May, 1997]

(1) Justice must not merely be done but it must also be seen to be done. The behaviour and conduct of members of the higher judiciary must reaffirm the people's faith in the impartiality of the judiciary. Accordingly, any act of a Judge of the Supreme Court or a High Court, whether in official or personal capacity, which erodes the credibility of this perception has to be avoided.

(2) A Judge should not contest the election to any office of a Club, society or other association; further he shall not hold such elective office except in a society or association connected with the law.

(3) Close association with individual members of the Bar, particularly those who practice in the same court, shall be eschewed.

(4) A Judge should not permit any member of his immediate family, such as spouse, son, daughter, son-in-law or daughter-in-law or any other close relative, if a member of the Bar, to appear before him or even be associated in any manner with a cause to be dealt with by him.

(5) No member of his family, who is a member of the Bar, shall be permitted to use the residence in

which the Judge actually resides or other facilities for professional work.

(6) A Judge should practice a degree of aloofness consistent with the dignity of his office.

(7) A Judge shall not hear and decide a matter in which a member of his family, a close relation or a friend is concerned.

(8) A Judge shall not enter into public debate or express his views in public on political matters or on matters that are pending or are likely to arise for judicial determination.

(9) A Judge is expected to let his judgments speak for themselves. He shall not give interview to the media.

(10) A Judge shall not accept gifts or hospitality except from his family, close relations and friends.

(11) A Judge shall not hear and decide a matter in which a company in which he holds shares is concerned unless he has disclosed his interest and no objection to his hearing and deciding the matter is raised.

(12) A Judge shall not speculate in shares, stocks or the like.

(13) A Judge should not engage directly or indirectly in trade or business, either by himself

or in association with any other person. (Publication of a legal treatise or any activity in the nature of a hobby shall not be construed as trade or business).

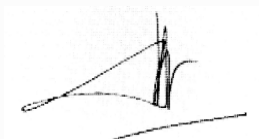
(14) A Judge should not ask for, accept contributions or otherwise actively associate himself with the raising of any fund for any purpose.

(15) A Judge should not seek any financial benefit in the form of a perquisite or privilege attached to his office unless it is clearly available. Any doubt in this behalf must be got resolved and clarified through the Chief Justice.

(16) Every Judge must at all times be conscious that he is under the public gaze and there should be no act or omission by him which is unbecoming of the high office he occupies and the public esteem in which that office is held.

These are only the "Restatement of the values of Judicial Life" and are not meant to be exhaustive but illustrative of what is expected of a Judge.

-----X-----



//True Copy//

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

I.A. NO. OF 2025

IN

WRIT PETITION (C) NO. OF 2025

IN THE MATTER OF:

MATHEWS J. NEDUMPARA

PETITIONER

VERSUS

THE SUPREME COURT OF INDIA & ORS.

RESPONDENTS

**APPLICATION FOR PERMISSION TO APPEAR AND ARGUE IN THE
ABOVE-MENTIONED WRIT PETITION AS PARTY-IN-PERSON**

TO

THE HONOURABLE CHIEF JUSTICE OF
INDIA AND HIS COMPANION
JUSTICES OF THE HONOURABLE
SUPREME COURT OF INDIA

HUMBLE PETITION OF THE
PETITIONERS IN PERSON ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. That the Petitioner in Person was enrolled as an Advocate with the Bar Council of Kerala in the year 1984 and has been in practice since then. He is also the President of the National Lawyers' Campaign for Judicial Transparency and Reforms (for short, "NLC"), an organization of first-generation lawyers who strive for earning equal opportunity for the first-generation lawyers and other disadvantaged sections of the legal profession. In line with its objectives, the Petitioner and the NLC had participated with keen interest in matters involving the collegium system

of selection and appointment of Judges to the higher judiciary and the system of designation of lawyers as Senior Advocates by the Judges. The Petitioner strongly believes that the appointment of kith and kin or nephews and juniors of sitting and former Judges of the Supreme Court and High Courts, as also that of the elite classes of the society such as that of celebrated lawyers, Chief Ministers, Governors et al, led to a pernicious system of selection which worked to the benefit of a few. They also believe that designation of lawyers as Senior Advocates is on the whole discriminatory and has led to classification of the Bar into two classes namely, the elite and the non-elite. The elite class, which is a select minority, dominated the profession in manifest ways while the non-elite class which comprised 95% of the legal fraternity were denied their due place and share in the Bench and the Bar. The Petitioner and the NLC believe that the Explanation to Rule 6 of the Bar Council of India Rules, 1975, CHAPTER II (STANDARDS OF PROFESSIONAL CONDUCT AND ETIQUETTE), which clarifies that a ‘Court’ means only the Court wherein a relative of a lawyer is a Judge and not the entire Court, is contrary to the first principle of natural justice and the impartiality and independence of the judiciary as an institution. As the adage goes, “justice should not only be done, but should manifestly and undoubtedly be seen to be done”.

2. That the Petitioner in Person herein has not engaged the services of an Advocate on Record as the Petitioner is well conversant and can diligently assist the court and the Petitioner in Person herein wishes to pursue the matter as a Party-in-Person. A true copy of the Aadhar Card bearing No. 2979 5739 1137 of the Petitioner in Person is annexed herewith and marked as **ANNEXURE A-1 (PAGES _____)**.
3. That the Petitioner in Person herein is not willing to accept an advocate if appointed by this Hon'ble Court because they themselves want to explain their point of view regarding the above Writ Petition.
4. That the Petitioner in Person would unfailingly put forth all the facts and materials pertaining to the above case before this Hon'ble Court during the course of the hearing for the just and fair adjudication of the above writ petition.
5. That the present application is being made in the interest of justice and no prejudice shall be caused to any party if the present application is allowed.
6. That in light of the above, the balance of convenience lies in favor of the Applicant.

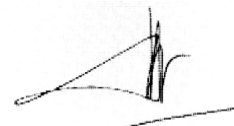
PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Allow the present Application and permit the Petitioner to appear and argue the above Writ Petition as Party-in-person before this Hon'ble Court; and
- b) Pass such other order or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

**AND FOR WHICH ACT OF KINDNESS THE PETITIONER IN PERSON
SHALL AS IN DUTY BOUND EVER PRAY.**

Filed by:



**MATHEWS J. NEDUMPARA
PETITIONER IN PERSON
MOB. NO. 9820535428**

Place: New Delhi
Dated: 29.04.2025

ANNEXURE A-1



//True Copy//

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
WRIT PETITION (C) NO. OF 2025**

IN THE MATTER OF:

MATHEWS J. NEDUMPARA

PETITIONER

VERSUS

THE SUPREME COURT OF INDIA & ORS.

RESPONDENTS

MEMO OF APPEARANCE

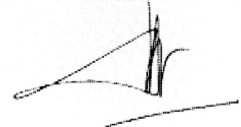
To,

The Registrar,
Supreme Court of India,
New Delhi.

Sir,

Please enter my appearance for the above-named Petitioners in Person in the above mentioned Writ Petition.

Yours faithfully



**Mathews J. Nedumpara
Advocate**

Petitioner in Person

101, 1st Floor, Gundecha, Chamber,
Nagindas Road,
Fort, Mumbai-400001,
Maharashtra

E-Mail: mathewsjnedumpara@gmail.com

Mob. No. 9820535428

Dated: 29.04.2025

Place: New Delhi

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
WRIT PETITION (C) NO. OF 2025

IN THE MATTER OF:

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RESPONDENTS

INDEX

Sl. No.	Description	Copies	C. Fee
1	Listing Proforma	1+3	
2	Synopsis & List of Dates	1+3	
3	Writ Petition with Affidavit	1+3	
4	Annexure P-1 to P-15		
5	<u>C.M.P. NO.</u> <u>OF 2025</u> Application for permission to appear and argue the above Writ Petition as Party-in-Person.	1+3	
6	Annexure A-1	1+3	
7	Memo of Appearances	1+3	
	Total		

Filed by:



Mathews J. Nedumpara

Petitioner In Person No.1,

101, 1st Floor, Gundecha Chambers,

Nagindas Master Road, Fort, Mumbai,

Maharashtra-400001

Mob. No. 9820535428

E-Mail: mathewsinedumpara@gmail.com

Dated: 29.04.2025

Place: New Delhi

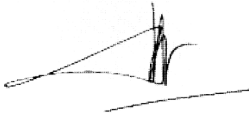
ANNEXURE 'D'

PROPOSED ADVOCATE'S CHECK LIST (TO BE CERTIFIED BY ADVOCATE-ON-RECORD)

1.	Writ Petition (Civil) has been filed in Form No. 28 with certificate.	YES
2.	The Petition is as per the provisions of Order XV Rule 1.	YES
3.	The papers of Writ Petition has been arranged as per Order XXI, Rule (3) (1) (f).	NO
4.	Brief list of dates / events has been filed.	YES
5.	Paragraphs and pages of paper books have been numbered consecutively and correctly noted in Index.	YES
6.	Proper and required numbers of paper books (1+1) have been filed.	YES
7.	The particulars of the impugned judgment passed by the courts below are uniformly written in all the documents.	YES
8.	In case of appeal by certificate the appeal is accompanied by judgment and decree appealed from and order granting certificate.	NA
9.	The annexures referred to in the petition are true copies of the documents before the court(s) below and are filed in chronological order as per List of Dates.	YES
10.	The annexures referred to in the petition are filed and indexed separately and not marked collectively.	YES
11.	In Special Leave Petition against the order passed in Second Appeal, copies of the orders passed by the Trial Court and First Appellate Court have been filed.	YES
12.	The complete listing proforma has been filled in, signed and included in the paper books.	YES
13.	In a Petition (PIL) filed under clause (d) of Rule 12 (1) Order XXXVIII, the petitioner has disclosed.	NA
	(a) His full name, complete postal address, e-mail address,	NA

		phone number, proof regarding personal identification, occupation and annual income, PAN number and National Unique Identify Card number if any;	
	(b)	The facts constituting the cause of action;	NA
	(c)	The nature of injury caused likely to be caused to the public;	NA
	(d)	The nature and extent of personal interest, if any, of the petitioner(s);	NA
	(e)	Details regarding any civil, criminal or revenue litigation, involving the petitioner or any of the Petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation.	NA
14.	In case of appeals under Armed Forces Tribunal Act, 2007, the Petitioner / Appellant has moved before the Armed Forces Tribunal for granting certificate for Leave to Appeal to the Supreme Court.		NA
15.	All the paper books to be filed after curing the defects shall be in order.		YES

I hereby declare that I have personally verified the petition and its contents and it is conformity with the Supreme Court Rules 2013. I certify that the above requirements of the Check List have been complied with. I further certify that all the documents necessary for the purpose of hearing of the matter have been filed.



Signature:

Mathews J. Nedumpara
Petitioner In Person No.1,
101, 1st Floor, Gundecha Chambers,
Nagindas Master Road, Fort,
Mumbai-400001, Maharashtra
Mob. No. 9820535428
E-Mail: mathewsjnedumpara@gmail.com

Place: New Delhi
Date: 29.04.2025