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12.6.2025

To,

Hon'ble Shri Bhushan Ramkrishna Gavai,

The Chief Justice of India,

New Delhi

May it please your Lordship,

Sub: Protection from defamation in a judicial proceedings – Concerted act on the part of Hon'ble Mr. Justice M. Jamdar to malign and defame me, a lawyer – Complaint reg.

1. My tryst with the justice delivery system began at a young age in 1979 as a litigant in the Munsiff Court, Pala. I conducted the case mostly as a party in person up to the Supreme Court. The case shaped my destiny, but for it, I would not have taken up law as a profession. I started my practice in the year 1984 and continued in my native state Kerala. However, certain vicissitudes of life made me shift my practice to Delhi and eventually to the Foreign Exchange and other tribunals in Delhi. There I could come across corruption without even a veil. I spoke against it, knowing not that I was starting my crusade against corruption in judiciary. The presiding officers of the FERA tribunal whose appointment was set aside by the Delhi High Court, assumed office with the stay of order by the Supreme Court. This led to a scenario where I had to give up my rather lucrative practice in Delhi. My work brought me to Mumbai. For almost two decades I did not face any difficulty, but with my raising my voice against corruption and other malaises I came to be a target. I need to keep this letter, nay, complaint brief. Therefore, I cannot go into details.
2. I happened to address a confidential letter to the President of India, Chief Justice of India and other constitutional authorities about a man who claimed to be a conduit of then Chief Justice Mohit Shah. To my surprise, I was served a copy of the letter

forwarding that very same complaint to the Registrar of the Bombay High Court for appropriate action.

3. Shortly after, I had faced an ordeal, which, to this day, I find hard to believe has happened with the temples of justice. I had sought production of a SARFAESI matter of a client facing dispossession. I mentioned the matter before Justice Vasifdar and as directed by the Hon'ble Judge to give notice to the opposite party, I send an SMS requesting the Bank Manager to be present. Thereafter, on a subsequent date the matter came before CJ Mohit Shah. Dr. Birendra Saraf, current AG of Maharashtra, who was representing the Bank alleged that I had called his client impersonating Justice Vasifdar. I insisted that action be taken against Dr. Saraf for making false allegations. CJ Mohit Shah called for the call records and the call records established beyond doubt that **I had not called at all**. And that it was Dr. Saraf's client, Thambe, who had called 9 times, 2 of which were picked up for a matter of seconds. CJ Mohit Shah understood that I did not call at all, that it was Dr. Saraf's client who had called and that he was liable to be proceeded against for perjury/contempt for he had filed an affidavit alleging that I had called at 11.22 am on 4.3.2013.
4. Even if a child were in the place of Justice Mohit Shah what would have been ascertained would be whether I had called. If I had, there can be a possibility of me having impersonated someone. If I had not called, at all, then the allegation against me which was made in open court and fortified later by way of an affidavit is absolutely false, malicious and amounts to perjury and contempt of court. However, Justice Mohit Shah – shockingly, outrageously – issued notice to me for contempt of Court. That too, in a court packed with lawyers, press and litigants. The reason offered was that there was “contact between Dr. Saraf's client and me”. There was contact because his client called me! Until this incident, I had always believed that the presence of the public at large would act as a deterrent against improbity. This incident was so shocking to me, I realized that there is no deterrent at all against even the most brazenly unconscionable acts from the seat of justice. The very recent incident which is narrated infra and which is the reason for the instant letter, is yet another one.

5. Thereafter, the aforesaid judgment of Justice Mohit Shah was used as a weapon to subjugate and threaten me with contempt. However, nothing deterred me from pursuing whatever I considered to be right and my duty. I formed an organization called National Lawyers' Campaign for Judicial Transparency and Reforms.
6. This and other incidents made me believe that there can be no protection for a lawyer or litigant who raises his voice against corruption and other malaises than to campaign for video recording and providing access to such records to the litigants and public at large. It made me fight for the need of video recording of court proceedings. My letter in 2010 addressed to the Chief Justice and other constitutional functionaries, is one among, if not the earliest in the efforts towards video recording of court proceedings. Chief Justice Mohit Shah used his judicial office to falsely implicate a lawyer. For a lawyer, his reputation is his greatest asset. And I believe the contempt notice was issued, knowing that in doing so, he is violating his oath only to tarnish my reputation. This incident did not demoralize me. On the contrary, it only solidified my resolve to pursue my campaign for reforms.
7. In 2019, Justice Nariman convicted me for contempt in the face of the Court by making a reference to the false accusation made by Dr. Saraf/his client. I was convicted for "taking" the name of Fali Nariman, without a charge, without notice, without a trial, in my absence, without a lawyer, not even in court but in his chamber – as an afterthought. The reference to the name of Shri Fali Nariman was made only to buttress my contention that even Fali Nariman, the doyen of the bar, had opined that the only thing to be reckoned in the matter of designation is the seniority from the date of enrollment.
8. Justice R Nariman had an axe to grind because I had written an open letter to Shri Fali Nariman dated 8.8.2016 critical of the immediate relatives of judges practicing in the very same court, nay, Shri Fali Nariman practicing in the Supreme Court where his son was a sitting judge. I also filed a writ petition in the Delhi HC arraying Shri Fali Nariman as a respondent in challenge of the explanation to Rule 6 of the Bar Council Rules which dilutes the fundamental principle that a lawyer shall not practice in a court where his immediate relative is a judge. I was absolutely innocent. I was

convicted by Justice Nariman in violation of the first principle that a judge shall not hear a case where he is a party and that no judge shall privately collect material behind the back of the accused. The contempt in the face of the court for which I was convicted was based on material gathered privately behind my back, such as the phone case pending before the High Court, for nothing had been said or done that was contemptuous in the face of the Court.

9. The sentence was suspended subject to the condition that I conform to the undertaking that I shall not 'browbeat' a judge. There is no provision for appeal where the Supreme Court convicts someone in its original jurisdiction. I have sought correction of the said order by invoking Article 142, nay, intra court appeal.

Let me come to the reason for the instant complaint, as briefly as possible.

10. On 17.4.2025, in a DV matter before Justice M. Jamdar, when the opposite party sought for time to clear arrears towards maintenance in terms of an undertaking given to the Court, I stood up to say that a week's time as sought may be granted, namely, that my client had no objection. This submission was based on the understanding which the parties had reached the previous day during mediation. Without any rhyme or reason, without any provocation or need for hostility, I am afraid to still say, only to insult me, I was asked to sit down in a most rude and discourteous manner. I sat down. On the previous date too, Justice Jamdar had not allowed me to make a submission and asked me to sit down. I had done so without a word. Seeing as this was the repeated treatment meted out to me, I felt insulted. After the order was dictated, I said that "I feel insulted. A lawyer shall not be insulted". Justice M. Jamdar retorted saying that this was "browbeating" and asked for the copy of Justice Nariman's judgment convicting me for contempt.
11. It was Maundy Thursday. I had to board the 5.20 pm flight to Kochi, my staff was waiting for me. I left the Courtroom for a moment while the Court was perusing the judgment, my juniors still present in Court to attend the matter, to coordinate and make alternative arrangements for my travel. To my surprise, the judge had sent the police after me.

12. There was absolutely no occasion for the judge to feel in any way perturbed. As a citizen, let alone as a lawyer, I am entitled to be treated with respect at the hands of the Court. I was under a duty to express my grievance. The statement I made is in no way objectionable. It can by no stretch of imagination be deemed contemptuous. I stand by the statement. I am 66 years of age. I am entitled to be treated with dignity considering my standing at the bar and my status as a senior citizen. What is objectionable is not asking me to sit, but the discourteous manner in which I was silenced, not once, but on the previous hearing also.
13. For reasons difficult to be fathomed the judge went on dictating an order which of which head or tail could not be made out, despite Adv. Subhash Jha, a senior member of the bar, repeatedly persuading him to refrain from escalating the matter.
14. However, the order, when it was uploaded, had many a curious addition. Adv. Vijay Kurle featured in the order. Apparently, the Court on a previous occasion had passed an order directing the bar council to take action against Adv. Kurle. According to the Court, that was the reason why I took objection to having been asked to sit. The Court went on to say that on the previous occasion when I was asked to sit, I did not raise any such grievance, but on the second occasion I did. And the only change between the two dates was that the Court had proceeded against Adv. Kurle. **The absurdity cannot be overstated.** The fact that, I reacted because I was repeatedly silenced and illtreated was lost on the Court. I did not speak for Adv. Kurle. No reference at all was made to Adv. Kurle during the entirety of the hearing. The version of the Court is as far-fetched as it is absurd.
15. The case was adjourned to 22.4.2025. On 22nd April, the 'plot' thickened. The judge introduced something entirely unconnected with the case at hand. I was not present in Court. Adv. Subhash Jha was representing me. The judge with no particular introduction, apropos of nothing, suddenly began talking about the sale of his flat which was in the name of his wife. He goes on to say that one Mr. Partho Sarkar had called his wife asking them to close the deal in two days, and make the payment entirely in cash, at which point the judge picked up the phone and informed Mr. Sarkar that he is a sitting judge of the High Court and that a cash transaction will not be possible. Mr. Partho is said to have laughed at this. The judge says that Mr. Parthos did

not disclose that he was a lawyer at first. Out of nowhere the judge mentions my name, saying that Adv. Partho Sarkar had represented me, which is utter falsehood. I have absolutely no contact with Mr. Partho Sarkar. The last time I came across him was at a function honoring Shri Adish Agarwala, President of the SCBA, post elections, over one and half years ago.

16. Adv. Subhash Jha who was representing me was at a complete loss as to what the judge was talking about. What the judge was saying was utterly untrue, unfounded, absurd and defamatory. It is a complete figment of his imagination. The said proceedings were fortunately recorded. Adv. Jha sought an adjournment in order to get some understanding of what was being said. Adv Partho Sarkar and I were directed to appear.

17. On 29th April, I was in Delhi and had appeared online. Adv. Sarkar filed a pursis stating that he has been in talks with judge's wife for the past two years regarding the sale of the flat. Adv. Sarkar categorically stated that he and I are not in contact and are not as friendly as the Court believes us to be. I had joined online and sought permission to address the Court. I was not allowed. I was muted and thereafter entirely removed from the meeting. Adv. Subhash Jha, so too, Adv Maria Nedumpara, my daughter, had requested the Court to at least to allow me to hear the proceedings, even if I were to be muted. **Even that plea was declined.** It speaks volumes that everyone was removed from the online hearing.

18. I have nothing to do with Adv. Partho Sarkar. I have nothing to do with the flat for sale or the judge's wife. To make such imaginary, unfounded allegations in Open Court against a lawyer whilst he is representing a client, against a senior member of the bar, is nothing but the judge committing contempt of his own court.

19. The Court passed an order running into 24 Pages making the reckless allegation that I had made a grievance of the Court asking me to sit down and not allowing me to address the Court at all on 17.4.2025 because the Court had proceeded against Adv. Vijay Kurle. And the proof of the said allegation is that when I was not allowed to make a submission on 2.4.2025, I did not make a grievance. But on 17.4.2025, I had, because the Court had passed an order against Adv. Kurle on 9.4.2025.

20. Despite the 24 pages of worth of labour, it remains unclear what inspired the Court to believe that Mr. Sarkar acted at my behest or for my benefit, and what justified him publicly dragging my name to this incident. The Court does not ever claim that Mr. Sarkar ever claimed to be represent me. In fact, Mr. Sarkar categorically denies it. Rather, the connection identified by the Court is that Mr. Sarkar had represented me in the year 2018. This in itself is also incorrect. Among several other intervenors, Mr. Sarkar had filed an intervention application representing someone in a writ petition I had filed in the year 2018. I am not responsible for the actions of Mr. Sarkar, nor he responsible for mine. Yet, bald allegations were made openly based purely on the judge's his own speculation.

21. The fiction sought to be concocted was that Mr. Sarkar had called the judge and insisted for immediate conclusion of the deal in cash in order to "frame" him and that *"Mr. Sarkar took actions after I have passed the order with respect to the conduct of Mr. Vijay Kurle and Mr. Nedumpara"*. From the very words/order of the judge itself, it is clear that Mr. Partho Sarkar and the judge's wife were in contact for the last two years concerning the sale of a flat, long before any of these events. Something which the Court did not mention till Mr. Sarkar filed his pursis. I have no words to describe the sheer absurdity and convolution of the judge's imaginings, or my astonishment at how he could so unabashedly proclaim them from the bench. **I am not responsible for the actions of Adv. Vijay Kurle or Mr. Partho Sarkar, nor are they responsible for mine.**

22. There is nothing in the order but mere **imagination and speculation**. Yet, the judge went on to make allegations against me in open court even on 22nd April before the events were narrated by the Court in detail. The Court had made disparaging, blanket statements clubbing my name with Mr. Partho Sarkar, stating that these two lawyers are employing tactics and have brought disrepute. *Ex facie* defamatory and insulting. These statements were made **entirely behind my back** without even seeking an explanation. Fortunately, the said proceedings were recorded and can be verified.

23. The Hon'ble Judge receives a call from a person whom, by the Judge's own admission, he does not recognize from the name to be a lawyer, and yet the judge is immediately reminded that this lawyer had represented me (incorrect) back in the year 2018. From this, the Court draws the conclusion that the said individual acted on my behalf – a quick leap from not recognizing the name at all to suddenly knowing with absolute certainty that this individual was acting on my behalf. And based on this tenuous recollection alone, the Court brazenly proceeds to make serious accusations in Open Court, as though established fact. To suggest that such assertions were made without an intent to malign my name is a pill too hard to swallow.
24. Despite the pursis filed by Mr. Sarkar confirming that he had called the judge's wife and had been in contact for 2 years in relation to the flat, and despite Mr. Sarkar stating on pursis that he and I have nothing to do with each other, the Hon'ble Judge still went on to pass an order tagging my name along to that of Mr. Sarkar and the incident.
25. For a man, his reputation is his greatest asset. In jurisprudence it is recognized as the primary right. Where that right is infringed, law provides for a remedy, damages. The right to institute a suit for damages is a secondary right. Even before the order was uploaded a certain media outlet came with a report saying that a lawyer has made an attempt to frame a judge, and my name was included. Soon after the order was uploaded, various other publications carried the similar headlines. It is no exaggeration to state that damage has been caused to my reputation. What is the remedy open to me? 'Be ye never so high, the law is above you', is a fundamental principle of law. The king is under no man, but even he is under law and God. Judges too, are not above law. In a constitutional democracy such as ours, a person, here a lawyer, sought to be falsely implicated and defamed ought not be left remediless.
26. Your Lordships is vested of infinite wisdom and sagacity. I have been subjected to great injustice umpteen times. I was convicted by the Supreme Court (Justice Nariman) without a charge, without notice, without a trial, in my absence, without a lawyer, not even in court but in his chamber. It has no parallel in legal history. The attempt by Justice Madhav J. Jamdar to defame me from the seat of justice can also have no parallel. If judges require protection, so do the lawyers standing before them. For a

judge to defame a lawyer appearing in a matter before him, from the seat of justice on the basis of some imaginary, concocted story about his own personal affairs, the supposed sale of his wife's flat, is *ex facie* misconduct.

27. I am not suggesting the course of action open to your Lordship. But I would certainly expect and request, in all humility, that your Lordship would take such steps as deemed appropriate so that I am not made to suffer the kind of injustice I have been made to undergo. In that unstinted faith and awaiting definitive and concrete action, I remain.

With respectful regards,

Yours Sincerely,

MATHEWS J. NEDUMPARA