



2026 INSC 791

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

(REPORTABLE)

Civil Appeal No(s). 7171/2012

SUDHENDU PRAKASH GAUTAM

Appellant(s)

VERSUS

S.L. CHAUDHARY

Respondent(s)

O R D E R

1. The present appeal under Section 38 of the Advocates Act, 1961 would call in question the order dated 21.07.2012, passed by the Disciplinary Committee of the Bar Council of India in Tr. Case No. 118 of 2008 allowing the complaint of the respondent-complainant and suspending the appellant-Advocate from practice for a period of one year.

2. By an interim order dated 15.10.2012 passed by this Court, the said order of suspension of the appellant has been stayed and thus, it has not been given effect to.

3. Appellant was a lawyer engaged by one M/s Recon Copier System Private Limited against whom, the respondent filed a case in the Court of Ms. Deepa Sharma (AJJ), Karkardooma Courts, Shahdara, Delhi-110032 (Labour Court). The respondent/ complainant lodged a complaint with the Bar Council of Delhi on 30.08.2005 alleging that after his application was dismissed by the concerned

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NISHA KHILRAY
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Reason:

Labour Court, the appellant caught the respondent/complainant from his collar; gave a beating and abused and threatened to kill the respondent/complainant in the Court premises (toilet). Further, appellant also forced the respondent/complainant to withdraw the complaint which he has filed against him, threatening that he will be removed from this world and will forget to enter in the Court.

4. According to the respondent/complainant, he lodged a Police complaints with the Commissioner of Police, Delhi on 28.04.2005 and 18.08.2005 respectively and thereafter, the present complaint with the Bar Council of Delhi was submitted. The complaint was eventually taken up for consideration by the Bar Council of India.

5. Referring to the impugned order, learned counsel for the appellant would submit that the appellant was not provided proper opportunity of hearing inasmuch as, when the matter was taken up for consideration on 07.07.2012, appellant moved an application for adjournment which was refused and the matter was instantly taken up on the same day.

6. It appears that the complaint lodged by the respondent/complainant was earlier dismissed on 24.10.2009 only on the ground that since the appellant/advocate was not engaged by the respondent/complainant but, was his opposite counsel, no case for continuing/

contemning the proceedings for committing professional misconduct is made out. This order of 24.10.2009 was later on recalled vide order dated 09.07.2011 by allowing the respondent/complainant's review petition and thereafter, notices were issued to both the parties for hearing on 07.07.2012 when prayer for adjournment was refused.

7. It appears that appellant was not heard properly by the Bar Council of India when his prayer for adjournment was rejected on 07.07.2012. However, we are not inclined to remit the matter back to the Bar Council of India as almost 21 years have elapsed after submission of complaint by the respondent/ complainant to the Bar Council of Delhi. It is also to be noticed that the appellant was not a counsel for the respondent-complainant before the Labour Court and thus, there is no allegation of any professional misconduct *qua* the Court proceedings. The allegation of professional misconduct is based on the incident that happened inside the Court premises on the date when the respondent-complainant's application was dismissed by the Labour Court.

8. For the incident wherein, the appellant has threatened the respondent/complainant, a Police complaint was also lodged, as is mentioned in respondent's complaint to the Bar Council of Delhi.

9. Thus, the culpability part of the incident which happened in the Court premises, was already

informed to the Police and insofar as this part is concerned, the Bar Council of Delhi or the Bar Council of India had no role to play. However, at the same time, behaviour of a lawyer in the Court premises is one such important factor which attracts the allegation of misconduct under the Advocates Act, 1961. Every lawyer has a duty to act decently in the Court premises not only with his own clients but, also towards the lawyers appearing from the other side and also to the parties against whom he is appearing. Any indecent behavior inside the Court premises can be taken cognizance of by the concerned State Bar Council or the Bar Council of India, as the case may be, and the case would not be thrown out only on this ground alone.

10. Having considered the entire fact situation of the case and the fact basis which proceedings have been initiated against the appellant, which concerns his indecent behaviour only and does not concern with the case proceedings or proceedings inside the Court, we deem it appropriate to dispose of the Civil Appeal by issuing warning to the appellant, *Sudhendu Prakash Gautam*, that he shall always behave properly in the Court premises while dealing with the lawyer on the opposite side, his own client; as also the party on the opposite side as well. The order passed by the Bar Council of India is modified to the above extent.

11. Accordingly, the appeal is disposed of in the afore-stated terms.

12. Pending application(s), if any, shall stand disposed of.

.....J.
(PRASHANT KUMAR MISHRA)

.....J.
(SHREE CHANDRASHEKHAR)

New Delhi
30-07-2026

ITEM NO.103

COURT NO.13

SECTION XVII

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

Civil Appeal No(s). 7171/2012

SUDHENDU PRAKASH GAUTAM

Appellant(s)

VERSUS

S.L. CHAUDHARY

Respondent(s)

Date : 30-07-2026 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For Appellant(s) :

Mr. Sarvam Ritam Khare, AOR
Mr. Kushagra Sharma, Adv.
Mr. Saransh Maheshwari, Adv.

For Respondent(s) :

Ms. Nidhi, AOR
Mr. Dhruv Maheshwari, Adv.
Mr. Om Kumar, Adv.

Ms. Radhika Gautam, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Application (I.A. No.69425/ 2013) seeking substitution of service is allowed.
2. The appeal is disposed of in terms of the reportable signed order.
3. Pending application(s), if any, shall stand disposed of.

(NISHA KHULBEY)
COURT MASTER(SH)

(AKSHAY KUMAR BHORIA)
COURT MASTER(NSH)

(reportable signed order is placed on the file)