

2026 LiveLaw (SC) 482

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
VIKRAM NATH; J., SANDEEP MEHTA; J., VIJAY BISHNOI; J.
CIVIL APPEAL NO(S).12368 OF 2025; MAY 05, 2026

PREM PAL SINGH

versus

DISCIPLINARY COMMITTEE OF THE BAR COUNCIL OF INDIA & OTHERS

Advocates Act, 1961 - Section 35 and Section 38 - Professional Misconduct - Deletion of Adverse Observations/Warning – Appeal filed by advocate against the Bar Council of India’s (BCI) order issuing a warning despite affirming the dismissal of the complaint against him - The respondent-complainant (brother-in-law of the appellant) filed a frivolous complaint alleging threats due to matrimonial discord - The State Bar Council dismissed the complaint as false and motivated, imposing Rs.25,000/- cost. On appeal, the BCI affirmed that there was no cogent evidence of professional misconduct but waived the cost and issued a warning to the appellant to not intimidate the complainant - Held: The Supreme Court observed that both the State Bar Council and the BCI concurrently found no merit in the complaint, concluding it was filed for oblique motives and to wreak vengeance - Despite this, the BCI proceeded to issue a warning without any justification and set aside the cost without assigning any justifiable reasons - Since the complaint was concurrently found to be frivolous and motivated, the BCI's adverse observations and warning against the advocate cannot be sustained - The Supreme Court allowed the appeal and quashed/struck off the warning recorded against the appellant-advocate. [Paras 12 - 14]

For Appellant(s): Mr. Praveen Chaturvedi, AOR Mr. Shashindra Tripathi, Adv.

For Respondent(s): Dr. Ram Sankar, Adv. Ms. Anjul Dwivedi, Adv. M/S. Ram Sankar & Co, AOR Mr. Babul Kumar, Adv. Mr. Syed Asghar Mehndi, Adv. Mr. Manish Mani Tripathi, Adv. Mr. Mohd. Aijaz, Adv. Ms. Aswathi M.k., AOR

ORDER

1. Heard.
2. The appellant is enrolled with the Bar Council of Uttar Pradesh (For short “State Bar Council”) and is practicing as an Advocate at the Moradabad Courts. He has approached this Court by way of the instant statutory appeal under Section 38 of the Advocates Act, 1961, aggrieved of the order dated 13th March, 2024 passed by the disciplinary committee of the Bar Council of India in Disciplinary Committee Appeal No.81 of 2023.
3. Brief facts relevant and essential for the disposal of the appeal are noted hereinbelow.
4. The respondent no.3-complainant is the brother-in-law of the appellant-advocate (sister’s husband) and is presently serving as an Inspector in GST Department. Discord is prevailing between the said respondent and his wife

being the sister of the appellant-advocate. Multiple litigations are pending in the Courts arising from the said matrimonial strife.

5. The respondent no.3-complainant filed a complaint under Section 35 of the Advocates Act, 1961 before the State Bar Council arraigning the appellant-advocate herein as a respondent. The crux of the allegations in the complaint was that the appellant-advocate abused respondent no.3-complainant and threatened to kill him in an incident which allegedly took place on 18th March, 2021.

6. The respondent no.3-complainant claims that he had approached various authorities and filed numerous applications requesting authorities to take action against the appellant-advocate but to no avail. Accordingly, the subject complaint came to be filed before the State Bar Council, which proceeded with adjudication of the complaint. The State Bar Council found it to be false and motivated with the *mala fide* intention to harass the appellant-advocate for oblique purposes and rejected the same with cost of Rs.25,000/- imposed on respondent no.3complainant.

7. Being aggrieved by the dismissal of his complaint and imposition of cost, respondent no.3complainant preferred D.C. Appeal No. 81 of 2023 before the Bar Council of India, which has been decided by impugned order dated 13th March, 2024.

8. The disciplinary committee of the Bar Council of India affirmed the view of the State Bar Council that there was no cogent evidence to proceed against the appellant-advocate under Section 35 of the Advocates Act, 1961. However, the cost of Rs.25,000/- imposed by the State Bar Council on respondent No. 3complainant was waived.

9. Furthermore, before parting, the disciplinary committee of the Bar Council of India made the following observations against the appellant advocate:-

“The committee deems it fit and proper to give warning to the respondent that he will not indulge in any unwarranted conduct of giving any threat or intimidation to the appellant when he goes to the Court for prosecution of the litigations which is pending in various courts.”

10. Being aggrieved by the aforesaid observations and waiver of cost, the appellant-advocate is before us by way of this appeal.

11. We have heard and considered the submissions advanced at bar and have gone through the impugned order and the material placed on record.

12. It is not in dispute that respondent no.3complainant is an Inspector in the GST Department. He was embroiled in extensive matrimonial strife with his wife being the sister of the appellant-advocate. The finding recorded by the State Bar Council that the complaint was filed for oblique motives and for wreaking vengeance against the appellant-advocate has been affirmed by the Bar Council of India.

13. The disciplinary committee of the State Bar Council as well as the disciplinary committee of the Bar Council of India did not find any merit in the

complaint. In spite thereof, the disciplinary committee of the Bar Council of India, without any justification whatsoever proceeded to issue a warning to the appellant-advocate observing that he shall not indulge in any unwarranted conduct of giving any threat or intimidation to respondent no.3-complainant. Furthermore, the cost of Rs.25,000/- was also set aside by the disciplinary committee of the Bar Council of India without assigning any justifiable reasons. It may be mentioned that respondent no.3-complainant has accepted the concurrent findings that the complaint was frivolous and motivated as he has not questioned these findings before any competent forum.

14. In this background, this appeal merits acceptance and is hereby allowed. The observations noted by the disciplinary committee of the Bar Council of India recording a warning against the appellant-advocate are hereby quashed and struck off.

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

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