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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 1382/2019****MAHESHKUMAR B. PATEL****..... PETITIONER****VS****MR. LAXMIKANT MURLIDHAR SHARMA****(SINCE DECEASED) THR. LRs.****SUNIL LAXMIKANT SHARMA & ORS.****..... RESPONDENTS**

Adv. R. R. Tiwari for the Petitioner.

Adv. Shweta Sharma i/b. Adv. Siddharth Sharma for the Respondents.

CORAM : RAJESH S. PATIL, J.**DATE : 21 JULY, 2026****P.C. :-**

1) This writ petition is filed seeking to challenge an order dated 19 June, 2018 passed in order below Ex.40, in Appeal No.8 of 2014. The application Ex.40 was filed by the original defendant, who had suffered an eviction decree before the Trial Court. The application Ex.40 was under the provisions of Order 41 Rule 27 of the Code of Civil Procedure, 1908 seeking to produce certain documents which according to the original defendant would prove that the plaintiff had enough properties whereby the need of the landlord under the *bona fide* requirement could have been satisfied. The application to produce additional documents was rejected by the Appellate Court. Hence, a writ petition before this Court.

2) After this matter was argued for some time, I am **disposing of the writ petition** with following directions :-

2.1 (a) At page 49, a list of property/premises is mentioned purported to be in the ownership/possession/occupation of the landlord. It shows a total number of 27 properties, out of which there are certain commercial properties, which are at serial nos. 11 to 18 and 26 and 27.

(b) In the present proceedings, suit for eviction is filed on the ground of *bona fide* requirement of residential premises. Therefore, the commercial premises as purported to be owned/purchased by the landlord which has been shown at item nos. 11 to 18, 26 and 27, will not be considered by the Rent Court.

2.2) By consent, as far as the documents pertaining to residential premises are concerned, the same are permitted to be produced as additional documents in evidence before the Appellate Court, without prejudice to the rights and contentions of the parties. This concession is given by the landlord, for the fact that though the application preferred by the

defendant-tenant for production of the documents before the Appellate Court after suffering an eviction decree from Trial Court, this writ petition of the tenant remained pending for admission for more than seven years.

2.3) The Appellate Court to consider the documents as mentioned in list annexed at page nos. 49 and 50, except item nos. 11 to 18, 26 and 27. After production of the documents, the landlord will have a right to challenge the veracity of the documents by producing any documents to counter the claim and/or by oral evidence. If such documents as shown in the list are disputed by the landlord, the appellant-tenant will have to prove such document as per the provisions of Order 41 Rule 27. The entire exercise should be completed by 30 September, 2026.

2.4) As the period is of two months and 10 days, both the parties would not seek unnecessary adjournments to enable the Appellate Bench to dispose of the appeal within stipulated period.

2.5) The hearing of the Appeal No. 8 of 2014

pending before the Appellate Bench of the Small Causes Court at Bandra, is expedited.

2.6) The Appellate Court will make their best endeavour to dispose of the appeal after hearing all parties by end of December 2026.

2.7) Both the parties are directed to file their written submissions as soon as the appeal is taken up for final hearing which will include the copies of the judgments relied upon by them with index alongwith relevant paragraph numbers/judgment. The said written submission will also contain the proposition of law relied upon by them.

3) Both the parties are permitted to produce authenticated copy of this order before the Appellate Bench of the Small Causes Court at Bandra.

4) Learned advocate appearing for the respondent no.4 has tendered the Appendix G – Standards of Professional Conduct and Etiquette to be observed by Advocates made by the Bar Council of India under Section 49(1) (c) of the Advocates Act, 1961 (for short ‘Standards of Professional Conduct’). She has shown me Section I – ‘Duty to the Court’ and Rule 6 therein, which reads as under :-

‘An advocate shall not enter appearance, act, plead or practice 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 be Advocate as father, grandfather, son, grandson, uncle, brother, nephew, first cousin, husband, wife, mother, daughter, sister, aunt, niece, father-in-law, daughter-in-law or sister-in-law.’

4.1) Hence, she submits that there is no bar for an advocate to represent his/her family members as an advocate in any proceeding.

5) Learned advocate Mr.Tiwari appearing for the petitioner has referred to the aforesaid Rule 6 of Standards of Professional Conduct and submits that the said rule compels any advocate not to appear for any of his family members.

6) I have perused/analyzed the Rule 6 of the Standards of Professional Conduct. In my opinion, it bars an advocate from appearing in any Court Tribunal or authority where his relative as mentioned therein, is a part of the Court, Tribunal or Authority. Hence, the objections raised by Mr.Tiwari stands rejected.

7) All concerned to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]