

Prajakta Vartak

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.814 OF 2020
IN
EXECUTION APPLICATION NO.322 OF 2022**

Cherie Ginwalla ...Applicant
In the matter between
Farhad Ginwalla & Anr. ...Petitioner
VS.
Zenobia Poonawala & Ors. ...Respondents

**and
INTERIM APPLICATION NO.1010 OF 2020
IN
COMM.ARBITRATION PETITION NO.81 OF 2020**

Zenobia Poonawala (Nee Ginwalla) ...Petitioner
vs.
Rustom Ginwalla & Ors. ...Respondents

**and
INTERIM APPLICATION NO.1339 OF 2020
IN
ARBITRATION PETITION (I)NO.15 OF 2020**

Zenobia Poonawala (Nee Ginwalla) ...Petitioner
vs.
Rustom Ginwalla & Ors. ...Respondents

**and
INTERIM APPLICATION (I) NO.8493 OF 2021
IN
EXECUTION APPLICATION NO.323 OF 2022**

Zenobia Poonawala (Nee Ginwalla) ...Petitioner
vs.
Farhad Ginwalla & Ors. ...Respondents

**and
INTERIM APPLICATION NO.827 OF 2021
IN
EXECUTION APPLICATION NO.323 OF 2022**

Rustom Ginwalla ...Applicant.
vs.
Farhad Ginwalla & Ors. ...Respondents

Ms. Sarrah Khambati and Mr. Anuj Jain i/b. Wadia Ghandy & Co. for Applicant/Org. Claimants.

Mr. Premlal Krishnan with Mr. Rehmat Lokhandwala, Mr. Aseem Naphade, Mr. Prashant Bothre and S.Chettiar i/b. Pan India Legal Services LLP for Applicant in IAL No.8493/22 Zenobia Poonawala.

CORAM : G.S. KULKARNI, J.

DATE : APRIL 27, 2022.

PC.:

1. When the proceedings were called out, Mr. Premlal Krishnan, Advocate appearing for applicant-Zenobia Poonawala has conducted himself in a most arrogant manner. He has not only threatened the Court, but also made arrogant gestures also by raising his voice, totally forgetting that he is an officer of the Court. The conduct of Mr. Premlal Krishnan, Advocate in the open Court being extremely offensive and disrespectful certainly amounted to undermining and demoralizing the dignity and esteem of the Court. Such conduct is incomprehensible and least expected from an advocate of this Court. This would certainly require the Court to follow the process of law and initiate an action under Section 14 of the Contempt of Courts Act for a contempt having been committed on the face of the Court. The Court would be failing in its duty, if such action is not initiated. However, when the Court was about to initiate such action by passing appropriate orders, Mr. Naphade, Advocate on behalf of Mr. Premlal Krishnan, Advocate has intervened and submitted that the behaviour of Mr. Premlal Krishnan, Advocate be pardoned. He submitted that Mr. Premlal Krishnan, Advocate would tender an unconditional apology for his such conduct and behaviour. Mr. Premlal Krishnan, Advocate also expresses his unconditional apology and agrees to place on record an affidavit of an unconditional apology for his behaviour.

2. It is most unfortunate that an advocate practicing in this Court would conduct himself in such manner, however, keeping in mind the

personal and professional career of Mr. Premlal Krishnan, Advocate and his oral apology and his request and an undertaking to place on record a written apology on affidavit, to the effect, that his such conduct would never be repeated in any Court, in my opinion, a chance is required to be given to Mr. Premlal Krishnan, Advocate to do so. Accordingly, let such undertaking and an unconditional apology and assurance of good behaviour be brought by him before the Court and thereafter the proceedings be called out.

Later on:-

3. Mr. Naphade has placed on record an affidavit of Mr. Premlal Krishnan, Advocate tendering his apology for his said conduct in Court today. The affidavit states that he respects the majesty and dignity of this Court and he had no intention of disrespecting this Court. He has requested the Court to accept his sincere apology for what transpired in the Court today stating that he regrets his conduct. He assures the Court that the same shall not be repeated.

4. As noted above, considering the professional interest of Mr. Premlal Krishnan, Advocate, such an apology is being accepted, however with a caution that in no Court Mr. Premlal Krishnan, Advocate shall breach the assurance which is set out in the undertaking/affidavit. For these reasons I do not proceed to initiate an action against Mr. Premlal Krishnan, as initially proposed.

5. In the aforesaid circumstances, the present proceedings be removed from this Court. Also henceforth, Mr. Premlal Krishnan, Advocate shall not appear before this Bench in any matter in future.

[G.S. KULKARNI, J.]