

CS 694/24

ATUL KUMAR JAIN Vs. SAHIL NAGPAL

24.04.2025

Pr. Ms. Archana Srivastav, Advocate for the plaintiff with
plaintiff in person.

Sh. Gaurav Kohli, Advocate for the defendant appearing
through V/C.

Case is listed for plaintiff evidence, however, it is submitted by Ld. Counsel for the plaintiff that defendant has not complied with the directions given in order-sheet dated 16.01.2025 i.e. they have not filed their evidence.

From perusal of the ordersheet dated 16.01.2025, it is clear that on that day, issues were framed and matter was adjourned for PE on 04.03.2025 and parties were directed to file their list of witnesses within 15 days. However, there was no direction to file evidence by the defendant as the plaintiff evidence has not yet commenced. Therefore, the submissions of Ld. Counsel for the plaintiff that defendant has not complied with the order the Court dated 16.01.2025 is baseless and unfounded and hence, not accepted.

At this stage, Ld. Counsel for the defendant Sh. Gaurav Kohli, appearing through V/C, has submitted that he has received copy of legal notice sent by Advocate Ms. Achana Srivastav to Atul Kumar Jain, who is plaintiff in the present case and notice has been issued on behalf of Ms. Vibha Jain. It is submitted by Ld. Counsel for the defendant that notice sent by Ms. Archana Srivastav, Advocate on behalf of Ms. Vibha Jain, whereas

Ms. Vibha Jain is wife of plaintiff Atul Kumar Jain and Ms. Archana Srivastav is Counsel for plaintiff Atul Kumar Jain in the present matter as is clear from the attendance marked today as well as in the previous ordersheets. It is further submitted by Ld. Counsel for the defendant that Ms. Vibha Jain is also an Advocate and therefore, there is misconduct on the part of both Ms. Archana Srivastava and Ms. Vibha Jain that they are issuing legal notice to plaintiff Atul Kumar Jain, while Ms. Archana Srivastava is counsel for Atul Kumar Jain and Vibha Jain is wife of Atul Kumar Jain and both are residing together at the same address.

On specific query from Ms. Archana Srivastava, Advocate, present and plaintiff Atul Kumar Jain, present in the Court, both of them have admitted that this notice was issued on behalf of Vibha Jain by Ms. Archana Srivastava, Advocate to Sh. Atul Kumar Jain i.e. plaintiff herein and copy of the same has been sent to Sh. Sahil Nagpal, who is defendant, in the present case. Although notice has been issued in respect of Civil Suit No. 635/2024 titled as 'Vibha Jain vs. Sahil Nagpal', which is pending in the Court of Sh. Somitra Kumar, Ld. DJ-06, East, Karkardooma Courts. It is also admitted by Atul Kumar Jain, present in the Court that Ms. Vibha Jain, Advocate, is his wife and both of them are residing together at the same address.

In these circumstances, I am of the opinion that there appears to be no reason for a wife to issue legal notice to her husband claiming certain clarifications on the basis of the written statement filed by the defendant Sahil Nagpal in Civil Suit No. 635/2024 titled as 'Vibha Jain vs. Sahil Nagpal', especially because the Counsel for the wife as well as Counsel for the

husband is the same person. **Considering the fact that Ms. Archana Srivastava, Advocate is representing both Sh. Atul Kumar Jain as well as Ms. Vibha Jain, wife of Atul Kumar Jain & issuing legal notice to husband Sh. Atul Kumar Jain on behalf of wife Mrs. Vibha Jain, which *prima facie* appears to be misconduct on the part of both Advocates, let this matter be placed before the Bar Council of Delhi and Shahdara Bar Association for taking appropriate action against Ms. Vibha Jain, Advocate and Ms. Archana Srivastava, Advocate, as per rules.**

Put up for filing reports by Bar Council of Delhi and Shahdara Bar Association and plaintiff evidence on **17.07.2025**.

Copy of this order along with copy of legal notice dated 19.04.2025 (which is filed today on behalf of defendant) be sent to Bar Council of Delhi and Shahdara Bar Association for information/compliance.

(Shail Jain)
Principal District & Sessions Judge,
East District, KKD Courts, Delhi.
24.04.2025 (pm)