

Court No. - 52

Case :- APPLICATION U/S 482 No. - 22626 of 2021

Applicant :- Shivnaresh Gautam

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ravi Kant, Vatsala

Counsel for Opposite Party :- G.A., Himanshu Pandey, Rajesh Kumar Singh, Suved Kumar Sharma

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Vishal Mishra, learned counsel for the applicant, Mr. Arvind Kumar, learned counsel for the opposite party no.2 as well as Mr. Mayank Awasthi, learned A.G.A. for the State.

Today, Mr. Vishal Mishra, learned counsel has appeared on behalf of the applicant in the matter, as he is the subsequently engaged counsel who had sent his illness slip on 11.08.2025, therefore, a detailed order was passed on the said date. Earlier Mr. R.P. Yadav and Mr. Ram Naresh Shukla were appearing in the matter, in whose presence, order dated 20.05.2025 was passed as they had given a statement that the applicant would return to India in the month of August, 2025 and the matter was posted for 11.08.2025. It was also directed that in case the applicant was unable to be present before this Court, an application was to be moved by counsel for the applicant for excusing his appearance. When the matter was listed on 11.08.2025, the earlier counsels Mr. R.P. Yadav and Mr. Ram Naresh Shukla, did not appear before the Court and the subsequently engaged counsel Mr. Vishal Mishra had sent his illness slip. It was the duty of the earlier counsels namely- Mr. R.P. Yadav and Mr. Ram Naresh Shukla to move an application before this Court excusing the absence of the applicant, as directed by this Court vide order dated 20.05.2025.

Mr. Vishal Mishra, the subsequently engaged counsel has filed his vakalatnama on 17.07.2025 along with another counsel namely- Mrs. Rahila Sikandar. The Court presumes that once a vakalatnama is filed by any counsel, he/she should be aware of the earlier orders passed by the Court and should have accepted the brief with the intention of compliance of the order.

The supplementary affidavit has been filed by Mr. Vishal Mishra, learned counsel for the applicant on 14th August, 2025, in which the deponent is one Vishnu Naresh, who is the real brother of the applicant and the aforesaid affidavit was not before this Court on the earlier date fixed i.e. 11.08.2025. The opposite party no.2- Smt. Archana Dwivedi is suffering since

years and is facing harassment due to conduct of the applicant, his family members as well as counsels representing the applicant. She had remained present before this Court on many previous dates including 11th August, 2025.

The opposite party no.2- Smt. Archana Dwivedi, is present before this Court today and has been identified by her respective counsel. She informs about the conduct of the other family members of the applicant, who are before this Court in Application U/S 482 No. - 21730 of 2021 (Bajinath Gautam And 4 Others vs. State of U.P. and Another).

The Court, time and again, has noticed in several orders as well as in the order dated 29.03.2023 passed by this Court in **Application U/S 482 No. - 42663 of 2022 (Shiv Kumar Sharma vs. State of U.P. and Another)** as to when, subsequent engagement is permitted. The earlier counsel cannot take an excuse that the client has engaged another counsel as it is his duty to inform the Court about the further development, if so occurred, or should ensure compliance with the previous orders passed on his undertaking, with respect to appearance of the applicant. In the present case, the act of non-compliance of previous order dated 20.05.2025 and absence of earlier counsels on 11.08.2025 without withdrawal of vakalatnama with permission of the Court, amounts to professional misconduct.

The conduct of the applicant shows that dilatory tactics are being played by frequently engaging new counsels. The Court also experiences the subsequently engaged counsels in the present case are stimulating the petitioner's malice and becoming the part of his unfair stratagem. Such egregious evolving situation is required to be dealt with sternly.

In view of the above, it is required that all the counsels in the present application namely- Mr. R.P. Yadav, Mr. Ram Naresh Shukla, Mr. Vishal Mishra and Mrs. Rahila Sikandar be present before this Court on the next date.

List this case on **1st September, 2025** along with connected matter.

The brother of the applicant namely- Vishnu Naresh is also directed to be present before this Court on the date fixed.

Superintendent of Police, District- Banda shall look into the compliance of the order regarding the presence of Vishnu Naresh, the brother of the applicant before this Court, on the next date.

The President as well as Secretary of the High Court Bar Association, Allahabad shall also be present before this Court on the next date.

The Registrar General is directed to inform about this order to the President and Secretary of the High Court Bar Association, Allahabad.

Mr. Arvind Kumar, learned counsel for the opposite party no.2, shall inform about this order in writing to the other counsels who are not present before this Court today.

Order Date :- 19.8.2025

Kalp Nath Singh