



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE SUSHRUT ARVIND DHARMADHIKARI

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

FRIDAY, THE 17TH DAY OF OCTOBER 2025 / 25TH ASWINA, 1947

RP NO. 827 OF 2025

AGAINST THE JUDGMENT DATED 20.06.2025 IN WA NO.1043 OF 2025 OF HIGH COURT OF KERALA

REVIEW PETITIONER/S:

BAR COUNCIL OF INDIA
21, ROUSE AVENUE, INTERNATIONAL AREA, NEAR BAL BHAWAN, NEW DELHI,
REPRESENTED BY ITS PRINCIPAL SECRETARY, SRIMANTO SEN, AGED 51 YEARS, S/O
MR. SHANTONU SEN, PIN - 110002

BY ADV SRI.RAJIT

RESPONDENT/S:

- 1 YESHWANTH SHENOY
AGED 46 YEARS
S/O V.L.SHENOY, PRYADARSHINI, VEEKSHANAM ROAD, ERNAKULAM, PIN - 682018
- 2 THE BAR COUNCIL OF KERALA
REPRESENTED BY THE HON.SECRETARY, BAR COUNCIL, BAR COUNCIL BHAVAN, HIGH
OF COURT OF KERALA CAMPUS, ERNAKULAM, PIN - 682031
- 3 THE REGISTRAR-GENERAL
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031
- 4 LIVE LAW MEDIA PRIVATE LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR, 3RD FLOOR, 41/3197 D-2
BHAGHEERATHA RESIDENCY, BANERJEE ROAD, ERNAKULAM, PIN - 682018



- 5 ADEEN NAZAR (SOUGHT TO BE IMPEADED)
S/O. S.U NAZAR, PRESENTLY RESIDING AT SRAMBIAKAL HOUSE, CHOMALI PARAMBU ROAD, KEERTHI NAGAR, ELAMAKKARA, ERNAKULAM, PIN -682026. (SOUGHT TO BE IMPEADED)
- 6 SREERAJ S RAJARAM (SOUGHT TO BE IMPEADED)
S/O SREEJITH R, PRESENTLY RESIDING AT RAJMAHAL APARTMENTS, F1, BTS ROAD, EDAPPALLY, KOCHI 682024. (SOUGHT TO BE IMPEADED)
- 7 DEBORAH DENNY (SOUGHT TO BE IMPEADED)
PRESENTLY RESIDING AT KENKEYIL HOUSE, NORTH JANATHA YMJ ROAD, PALARIVATTOM S.O., PALARIVATTOM P.O., ERNAKULAM, PIN – 682025. (SOUGHT TO BE IMPEADED)

BY ADVS. YESHWANTH SHENOY(PARTY-IN-PERSON)
SRI.S.SUJIN; SRI PRANOY K KOTTARAM; SRI.ARUN THOMAS
SMT.VEENA RAVEENDRAN; SRI.ANIL SEBASTIAN PULICKEL
SHRI.SHINTO MATHEW ABRAHAM; SMT.LEAH RACHEL NINAN
SHRI.MATHEW NEVIN THOMAS; SHRI.KARTHIK RAJAGOPAL
SHRI.KURIAN ANTONY MATHEW; SMT.APARNNA S.
SHRI.NOEL NINAN NINAN; SHRI.ARUN JOSEPH MATHEW; SMT.KARTHIKA MARIA

SHRI SANTHOSH MATHEW (SR.) FOR ADDNL RESPONDENTS SOUGHT TO BE IMPEADED

THIS REVIEW PETITION HAVING RESERVED ON 15.07.2025, THE COURT ON 17.10.2025 DELIVERED THE FOLLOWING:



ORDER

Sushrut Arvind Dharmadhikari, J.

The present Review Petition under Order XLVII Rule 1 read with Section 114 of the Code of Civil Procedure 1908 is filed seeking review of the judgment dated 20.06.2025 passed in W.A. No.1043/2025 whereby this Court had allowed the Writ Appeal by setting aside the judgment of the learned Single Judge dated 02.05.2025 passed in W.P.(C) No.7660/2023 as also the show cause notice at Ext.P1 dated 14.02.2023.

2. The Review Petition has been filed by the Bar Council of India, which was not a party to the Writ Appeal. The present Review Petition has been registered after leave was granted to the petitioner.

Facts:

3. The brief facts of the case are that the first respondent herein filed a writ petition challenging the show cause notice Ext.P1 dated 14.02.2023, whereby *suo moto* action alleging professional misconduct for violation of the standards of professional conduct and etiquette was



initiated against the first respondent, who is a practicing Advocate of this Court. He is also the President of the Kerala High Court Bar Association.

4. The learned Single Judge, while disposing of the writ petition, concluded that there was no illegality in the issuance of Ext.P1 notice by the Bar Council of Kerala, and accordingly, the prayer to quash the notice was rejected. Being aggrieved, the first respondent filed a writ appeal. The writ appeal was allowed by the impugned judgment under challenge in the review petition, on the following grounds:

“(i). So far as initiation of suo moto action is concerned, perusal of Ext.R1(f) notice barely states that the disciplinary proceedings is on a complaint dated 09.02.2023 by the Hon'ble Judge, therefore, it cannot be said that the action initiated against the appellant is a suo moto action, therefore the procedure laid down under Section 35 appears to have not been followed.

(ii). So far as the constitution of the Disciplinary Committee of the Bar Council of Kerala is concerned, the term of the Bar Council came to an end on 06.11.2023. As per proviso to Section 8 of the Act, the Bar Council of India extended the term by six months up to 06.05.2024. Thereafter, as



per Section 8A of the Act, a special Committee has to be formed by the Bar Council of India. However, no such committee was formed. Admittedly, at the time of launching the complaint, ie, on 09.02.2023, a properly constituted Bar Council of Kerala was in place. However, subsequently, after the expiry of the extended period, as per Section 8A, a special committee was required to be constituted in absence of elections which was not done in the present case. The Bar Council of Kerala is not existing at this time and therefore, the Bar Council cannot proceed with the case, unless and until a duly elected and properly constituted committee is in place. So far as invoking of Rule 32 of the Rules of 2015 extended in terms of the entire members of the Bar Council of Kerala, is only for the specific purpose of completion of verification process which does not include disciplinary proceedings. It is a settled legal position that the rule cannot override the specific provisions of the Act. Therefore, the present Bar Council of Kerala is a body existing or continuing in violation of the statute.

(iii). The appellant had raised a demand regarding supply of audio/visual recordings of the Court proceedings, where serious allegations were levelled against him, but the same were not supplied saying that the same is not available. That also amounts to miscarriage of justice so far as the High Court Rules provides for recording of the same. The appellant had made specific averments that he had not abused or used derogatory words in the Court which could have been proved, had the recordings been made available.



(iv). So far as hearing the Writ Petition on 04.06.2024 and pronouncing the judgment on 02.05.2025 is concerned, the learned Single Judge failed to take into consideration, the fact that the Division Bench of this Court, by way of a judicial order passed in Contempt Case (Crl) 2 of 2023 on 18.10.2024, had already exonerated the appellant of similar charges and the contempt case was dismissed, therefore in any case, the disciplinary committee of the Bar Council cannot take a different view or cannot override the judgment of Division Bench of this Court for the same cause of action. Had the learned Single Judge taken into consideration the fact of dismissal of the Contempt Case, then certainly, the result of the Writ Petition ought to have been dismissal.”

5. The present review petitioner is aggrieved by the observations and findings of this Court in paragraph 16(ii) of the impugned judgment, which affect the validity and operation of Rule 32 of the Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015 (for short, ‘Rules of 2015’).

Petitioner’s submission:

6. The learned Counsel for the review petitioner contended that the Bar Council of India has the powers to extend the term of the Bar Council under Rule 32 of the Rules of 2015, which reads as under:



“Rule 32-In case the term of elected members of any State Bar Council is likely to expire/expires due to delay in the process of identification of non- practicing advocates or verification of their certificates or delay in the preparation in the electoral roll for the election to the State Bar Councils due to the aforementioned reasons, the Bar Council of India may allow the elected members and the office-bearers of the State Bar Council(s) to continue to function beyond their extended tenure under Section 8 of the Advocates Act, 1961 in order to complete the process of verification and in order to ensure that no nonpracticing Advocate becomes a voter or a member of any State Bar Council. The State Bar Council(s) shall be required to complete the process of verification within a period of 18 months from the date of extension of their tenure by the Bar Council of India and shall complete the process of election within a period of 6 months therefrom.

In case, of failure to complete the process of verification and the election within the said extended period as prescribed under this Rule, the Bar Council of India may dissolve the State Bar Council and shall proceed to constitute the Special Committee provided under Section 8A of the Advocates Act, 1961.”

7. It is contended that the observation of this Court, that a Rule cannot override a specific provision of a statute, is a general principle. In paragraph 16(ii), this Court specifically mentioned that “*specific*



purpose of completion of the verification process, which does not include disciplinary proceedings". The learned counsel further contended that the judgment suffers from errors apparent on the face of the record, as it was passed in the writ appeal without hearing the petitioner, thereby violating the principles of natural justice. The Court also failed to consider its earlier judgment in **Anil Kumar v. Bar Council of Kerala**¹ which upheld the validity of Rule 32 of the Rules of 2015. Moreover, the interpretation of Rule 32 is consistent with its purpose and legal framework, permitting the Council to continue verification and election-related functions. If the impugned judgment is allowed to stand, it will have grave implications on the institutional functioning of the State Bar Councils, including enrolment, verification, and disciplinary functions, and will adversely affect the legal profession at large. Hence, the review petition.

¹ 2024:KER:63755



Respondent's submission:

8. *Per contra*, the learned Counsel for the first respondent, appearing in person, vehemently opposed the prayer and submitted that the judgment passed in the writ appeal is fully in consonance with the provisions of law and requires no review. There is no apparent error on the face of the record warranting interference with the order passed. Furthermore, no prejudice would be caused to the review petitioner under any circumstances.

8.1 This Court has rightly concluded in paragraph 16(ii) regarding the constitution of the Disciplinary Committee of the Bar Council of Kerala, since the term of the Bar Council ended on 06.11.2023. As per the proviso to Section 8 of the Kerala High Court Act, 1958, the Bar Council of India extended the term by six months, up to 06.05.2024. Thereafter, in accordance with Section 8A of the Act, a Special Committee was required to be formed by the Bar Council of India. However, no such Committee was constituted. Admittedly, at the time of



initiating the complaint, *i.e.*, on 09.02.2023, a properly constituted Bar Council of Kerala was in place. Subsequently, following the expiry of the extended period, as per Section 8A, a Special Committee was required to be constituted in the absence of elections, which was not done in the present case. The Bar Council of Kerala was not in existence at that time and, therefore, had no authority to proceed with the disciplinary action initiated against the first respondent. Invoking Rule 32 of the Rules of 2015 is only for the specific purpose of completing the verification process, which does not include disciplinary proceedings.

9. The first respondent has taken this Court through Annexure R1(D), a letter dated 23.05.2024 from the Chairman, Bar Council of India, to Mr. N. Manoj Kumar, Member, Bar Council of India, wherein it is reiterated that the extension of the terms of the existing Bar Council members is solely to complete the verification process and no other matters. It is evident from the letter that the extension of the elected members' term is consistently stated to be for the purpose of completing



the verification process.

9.1 After the expiry of the term, as per the provisions of Section 8A, specifically Section 8A(2)(c), the disciplinary powers of the Bar Council rest with the Special Committee. In the case of the Bar Council of Kerala, no such Special Committee was formed by the Bar Council of India. Having specifically chosen not to constitute the ad hoc Committee, the Bar Council of India cannot now complain that its disciplinary powers have been curtailed. The Bar Council of India must take responsibility for its acts and omissions and act in accordance with the provisions of the Advocates Act, 1961.

10. The first respondent further submitted that this Court merely interpreted Rule 32 in the context of ‘disciplinary powers.’ This Court barred the continuation of the disciplinary proceedings based on its order dismissing the Contempt Petition arising from the same set of facts. Additionally, the Court pointed out the lack of disciplinary powers of the Bar Council of Kerala due to the operation of Section 8A of the Act.



No fetters on technical grounds can be put on this Court that no notice was given to the Bar Council of India while interpreting Rule 32. The Court interpreted Rule 32 during the course of adjudication, and no one can contend that the Court erred by interpreting the statute without giving prior notice.

In view of the aforementioned, no ground is made out to review the judgment dated 20.06.2025 passed in W.A. No. 1043/2025. Hence, this review petition being bereft of merit is liable to be dismissed.

Discussion and Analysis:

11. Heard Mr Rajit learned Counsel for the petitioner, Mr Yeshwant Shenoy, appearing in person for R1, Mr Pranoy K Kottaram, learned Counsel for R2, Mr N.N. Sugunapalam, learned Senior Counsel, assisted by Mr S. Sujin, learned Counsel for R3, Mr Santhosh Mathew, learned Senior Counsel, for additional respondents 5 to 7 seeking to be impleaded.

12. I.A. No.3 of 2025 was filed by one Mr. Adeen Nazar and others



seeking to implead in the review petition by stating that their enrolments and future enrolments would be in serious doubt in the light of the observations in the Judgment under review. The order of this Court was in the context of disciplinary committee, and this Court did not make any observation as regards enrolment or the verification process and therefore, this Court is not inclined to allow the application. Hence, I.A. No.3/2025 dismissed.

13. The Apex Court judgment in the case of ***Ajay Shankar Srivastava v. Bar Council of India***² in paragraph 18, has observed as under:

"We clarify that the present order for constituting the Committee in order to effectuate the process of verification shall not be in and of itself construed as a direction for extending the existing terms of the Bar Councils."

14. Admittedly, none of the grounds under Order XLVII Rule 1 of CPC is available to renew/review the order. Further, the scope of review

² Judgment dated 10.04.2023 in W.P.(Civil) No.82 of 2023



cannot be enlarged to such an extent, taking the review to be an appeal. The jurisdiction of review can be exercised for correction of a mistake and not to substitute a view / reasoning so taken in the order/judgment sought to be reviewed. Mere possibility of two different views cannot be a ground for review. On these grounds, the review petition cannot be entertained so as to re-appreciate or re-hear the entire issue which was the subject-matter of the original writ petition.

14.1 In the considered opinion of this Court, none of the grounds, available for successfully seeking review as recognized by Order XLVII Rule 1 CPC, are made out in the present case. The Apex Court in the case of ***S. Bhagirathi Ammal v. Palani Roman Catholic Mission***, reported in **(2009) 10 SCC 464** has held that in order to seek review, it has to be demonstrated that the order suffers from an error contemplated under Order XLVII Rule 1 CPC which is apparent on the face of record and not an error which is to be fished out and searched. A decision or order cannot be reviewed merely because it is erroneous. In another case, the



Apex Court in case of ***State of West Bengal v. Kamal Sengupta*** reported in **(2008) 8 SCC 612** has held that "*a party cannot be permitted to argue de novo in the garb of review.*"

14.2 On perusal of the record and in the light of the judgments passed in the case of ***S. Bhagirathi Ammal*** and ***State of West Bengal*** (supra), there is no error apparent on the face of record warranting interference in the judgment impugned.

Conclusion:

In view of the aforementioned, no case is made out to review the judgment. The review petition fails and is, accordingly, dismissed. All Interlocutory Applications as regards interim matters stand closed.

Sd/-

SUSHRUT ARVIND DHARMADHIKARI

JUDGE

Sd/-

SYAM KUMAR V.M.

JUDGE



APPENDIX OF RP 827/2025

PETITIONER ANNEXURES

Annexure A1	A TRUE COPY OF THE JUDGMENT DATED 10.04.2023 IN W.P. (C) NO. 82 OF 2023 OF THE SUPREME COURT OF INDIA
Annexure A2	A TRUE COPY OF THE NOTIFICATION NO. BCI:D:3430/2023 DATED 23.06.2023
Annexure A3	A TRUE COPY OF THE NOTIFICATION BCI:D: 3429/2023 ON 23.06.2023
Annexure A4	A TRUE COPY OF ORDER DATED 22.01.2024 IN TR.PC 90-94/2024 OF THE SUPREME COURT OF INDIA
Annexure A5	A TRUE COPY OF ORDER IN TR.PC 270-271/2024 OF THE SUPREME COURT OF INDIA DATED 09.02.2024
Annexure A6	A TRUE COPY OF ORDER DATED 17.05.2024 IN TR.PC 1298/2024 OF SUPREME COURT OF INDIA
Annexure A7	A TRUE COPY OF ORDER IN TR.PC 38/2024 OF SUPREME COURT OF INDIA DATED 12.07.2024
Annexure A8	A TRUE COPY OF ORDER IN TR.PC 349/2025 OF SUPREME COURT OF INDIA DATED 17.02.2025
Annexure A9	A TRUE COPY OF ORDER IN TRANSFERRED CASE CIVIL 126/2015 OF THE SUPREME COURT OF INDIA DATED 23.08.2017

RESPONDENT ANNEXURES

Annexure R1(A)	A true copy of the order of this Hon'ble Court in W.P (C) 34989 of 2019 and connected matters dated 23 December 2021
Annexure R1(B)	A true copy of the letter BCI:D:2171/2024 dated 06.05.2024
Annexure R1(C)	A true copy of the letter BCI:D:2454/2024 dated 20.05.2024
Annexure R1(D)	A true copy of the letter BCI:D:2590/2024 dated 23.05.2024
Annexure R1(E)	A true copy of the complaint dated 27 June 2024 filed against the Advocate General to the Hon'ble Governor of Kerala
Annexure R1(F)	A true copy of the complaint dated 10 June 2025 filed against the Advocate General with the Law Secretary
Annexure R1(G)	A true copy of the complaint dated 3 June 2024
Annexure R1(H)	A TRUE COPY OF LETTER NO. KBC/SPN-R/2450/2025 DATED 08.07.2025, ISSUED BY THE BAR COUNCIL OF KERALA TO ADV. GODWIN J