

ITEM NO.33

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 6479/2021

(Arising out of impugned final judgment and order dated 23-02-2021 in WP No. 13/2020 passed by the High Court Of Judicature At Bombay At Goa)

A. AGNI

Petitioner(s)

VERSUS

MISS CARMINIA DIAS MANDOLY & ORS.

Respondent(s)

Date : 08-08-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI  
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Ms. A. Agni, Petitioner-in-person

Mr. Dhruv Mehta, Sr. Adv.  
Mr. Rajesh Kumar Gautam, AOR  
Mr. Anant Gautam, Adv.  
Mr. Sumit Sharma, Adv.  
Ms. Anani Achumi, Adv.  
Mr. Dinesh Sharma, Adv.  
Ms. Shivani Sagar, Adv.

For Respondent(s) Ms. Ruchira Gupta, Adv.  
Mr. Shishir Deshpande, AOR  
Mr. Deep Narayan Sarkar, Adv.  
Ms. Harshita Sharma, Adv.  
Ms. Pooja Tripathi, Adv.

UPON hearing the counsel the court made the following  
O R D E R

1. The petitioner is aggrieved by the Order dated 23<sup>rd</sup> February, 2021, passed by the Goa Bench of the High Court of Judicature at Bombay in W.P. No.13 of

2020 titled "Carminia Dias Mandoly vs. The Public Information Officer & Anr." on which date, the following order was passed :

*"The petitioner prosecutes this writ petition pro se. Her grievance goes back to 1996. For the first respondent, Mrs. A. Agni, the learned Senior Counsel, has appeared. She is said to have been instructed by Ms. J. Sawaikar.*

*2. As I was unable to get any assistance from the petitioner, the uninitiated; I looked to the learned Senior Counsel for assistance. But, unfortunately, Mrs. A. Agni's approach to advocacy leaves much to be desired. She is being devious and specious in her answers. When the Court wanted specific answers, she has become argumentative and disruptive. Regrettable.*

*3. I am, therefore, constrained to conclude that Smt. A. Agni does not intend to cooperate with the Court in this matter.*

*4. Hence, I discharge Mrs. A. Agni, the learned Senior Counsel, from this matter. But I leave it open for the learned advocate on record and the first respondent these options:*

*(a) The learned counsel on record may continue with the case and assist the Court;*

*(b) The learned counsel on record may engage any other Senior Advocate of her choice;*

*(c) The authorities of the University may as well appear in person and assist the Court.*

*5. To enable the first respondent University to do any of the above or to propose to the Court any other preferred method of prosecution on the University's behalf, I adjourn the matter.*

*Post the matter on 09.03.2021."*

2. The petitioner, a Senior Advocate was engaged by the Respondent No.2-University of Goa to appear in the captioned matter. However, noting that she was not effectively assisting the Court, some adverse observations have been made against her in the impugned order whereafter, directions were issued to the University of Goa to discharge the learned counsel and engage any other counsel to assist the Court.

3. It is not in dispute that subsequently, another counsel was engaged by the University of Goa and the writ petition filed by the private respondent No.1 was dismissed on merits. The review application filed by her also came to be dismissed.

4. The limited grievance raised by the petitioner in this petition is in respect of the observations made *qua* her in the impugned order.

5. On the last date of hearing, we had directed Mr. Dhruv Mehta, learned Senior Counsel appearing for the petitioner to request her to appear before us on the next date. Pursuant to the said order, the petitioner is present today. She informs us that she has remained in practice for the past 45 years, was designated as a Senior Advocate in the year 2014 and she has been primarily practicing in

the High Court of Bombay. It is submitted that in the past 45 years, there has never been any such occasion where such adverse remarks have been made by any Court against her. She concedes that perhaps the matter could have been diffused on the very same day, had she expressed regret before the High Court there and then. The said regret has been expressed by the petitioner today.

6. It appears from the impugned order that the High Court gathered an impression that the petitioner was indulging in filibustering, which was taken amiss. The petitioner has expressed regret for any inadvertent lapse on her part, or otherwise we take on record the regret expressed by her in view of the fact that this was a one-off incident which ought not to sully the petitioner's spotless professional career spanning over 45 years, we deem it appropriate to expunge the observations made against her in the impugned order. The matter is closed.

7. The petition for special leave to appeal is allowed and disposed of along with pending application(s), if any, leaving the parties to bear their own costs.

(Geeta Ahuja)  
Assistant Registrar-cum-PS

(Nand Kishor)  
Court Master (NSH)