



HIGH COURT OF CHHATTISGARH AT BILASPUR

FA(MAT) No. 287 of 2025

AYUSHI GINORIA (AGRAWAL) (WRONGLY TYPED AS GINODIA)

versus

SUMIT AGRAWAL

Order Sheet

17/04/2026	<p>Mr. Mayank Gupta, counsel for the appellant. Mr. Sourabh Kale, counsel for the respondent. This matter is an exception to this Bench. List it before an appropriate Bench, in which, one of us (Sanjay S. Agrawal, J.) is not a member. The aforesaid exception has been made because of the appearance of Ms. Shivangi Agrawal on 21/08/2025 and 30/03/2026, who is a junior counsel to learned Senior Advocate Shri Manoj Paranjpe and is a niece of one of us (Sanjay S. Agrawal, J.), therefore, it is not desirable to consider the said matter, in view of the provision prescribed under Rule 6, Part VI, Chapter-II "Standards of Professional Conduct and Etiquette (Rules under Section 49 (1) (c) of the Advocate Act read with the Proviso thereto)"; which provides as under :-</p> <p style="text-align: center;">CHAPTER II</p> <p style="text-align: center;">STANDARDS OF PROFESSIONAL CONDUCT AND ETIQUETTE [Rules under section 49 (1)(c) of the Act read with the proviso thereto]</p> <p style="text-align: center;">Section I-Duty to the Court</p>
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1 to 5

6. An Advocate shall not enter appearance, act, plead or practise in any way before a court, tribunal or Authority mentioned in section 30 of the Act, if the sole of any member thereof is related to the Advocate as father, grandfather, son, grand son, uncle, brother, nephew, first cousin, husband, wife, mother, daughter, sister, aunt, niece, father-in-law, mother-in-law, son-in-law, brother in-law, daughter-in-law or sister-in-law.

[For the purposes of this rule, court shall mean a court, Bench a tribunal in which above mentioned relation of the Advocate is a judge, member or the Presiding Officer.]

In view of the aforesaid provision and in order to avoid any kind of unwanted controversy, it is, therefore, not desirable to conduct this matter consisting one of the member of this Bench. However, a Circular bearing No.7278/R.(J.)/2026 Bilaspur, Dated 16.04.2026 has been issued as per the direction of Hon'ble the Chief Justice, which reads as under :-

HIGH COURT OF CHHATTISGARH, BILASPUR
CIRCULAR

No. 7278/R.(J.) / 2026, Bilaspur, Dated: 16.04.2026

In order to effectively prevent the practice of Bench/Court hunting, it is hereby clarified that Exception of a Bench Court shall not be treated as a general rule, and shall be resorted to only in rare and bonafide circumstances.

1. Non-Acceptance of Brief

Where an Advocate/Counsel appears or files a Vakalatnama/Memo of Appearance before any Court/Bench,

and such appearance gives rise to a situation warranting recusal or Exception on account of:

- any relationship specified under Rule 6, Part VI, Chapter II Standards of Professional Conduct and Etiquette (Rules under Section 49 (1) (c) of the Advocate Act read with the Proviso thereto);
- having worked as a junior in the office of the Hon'ble Judge at any point of time: or
- close relationship or any other relationship with the Hon'ble Judge:

The Advocate/Counsel concerned may not accept such brief, and if already accepted, may forthwith return the brief to the litigant.

Provided that even if the concerned Advocate accepts the brief or fails to return the brief, as the case may be, in such circumstances, the case, whether fresh filed or already pending, shall not be treated as a ground for Exception of the concerned Bench/Court.

2 Pending Matters and Change in Roster

In respect of matters already pending, where such a situation arises due to change in roster or assignment:

- the Advocate/Counsel concerned shall have the liberty to withdraw the Vakalatnama/Memo of Appearance.

In the event the Advocate/Counsel does not withdraw the

Vakalatnama/Memo of Appearance, it shall be open to the Bench/Court to examine the circumstances in detail, including the timing and nature of engagement.

Only in rare and exceptional cases, and upon being satisfied that the situation is bonafide and not intended to avoid the concerned Bench/Court, may the Bench/Court consider making an Exception, for reasons to be recorded in writing.

It is further directed that any matter, which on account of Exception by any Bench/Court, shall be placed before the Chief Justice for allocation/order. This is in supersession of circular no. 3509/R(J)/2023 Bilaspur, Dated 23.03.2023.

BY ORDER OF HON'BLE THE CHIEF JUSTICE

(Sumit Kapoor)

Registrar (Judicial)

The aforesaid circular has been issued in order to prevent the practice of Bench/Court hunting, but which case is to be made an exception and how the Court is to be functioned, is a prerogative of the concerned Bench and cannot be directed and restricted as such, in the light of the aforesaid provision. The said circular, thus, appears to be an interference of the Court functioning.

Be that as it may, let the matter be placed before Hon'ble the Chief Justice for appropriate orders for its listing.

SD/-
(Sanjay S. Agrawal)
Judge

SD/-
(Narendra Kumar Vyas)
Judge