



DISCIPLINARY COMMITTEE-V
BAR COUNCIL OF DELHI

Complaint No. 256/2022

Ms. Kamlesh Gupta Vs. Mr. Pecush Kulshreshtha, Advocate

Proceedings dated 18.10.2023 :

Present : Ms. Kamlesh Gupta, Complainant in person along with her Counsel, Mr. Jai Saini and Ms. Isha Kapoor.

None for the Respondent

Complainant has filed the written submissions as directed on the last date of hearing. Same is taken on record.

Counsel for the Complainant addressed his arguments orally also.

Put up for Orders on 20.10.2023 at 3.00 P.M.

(D.K. Singh)
Chairman

(Rajesh Mishra)
Member

(Imran Kamal)
Member

Disciplinary Committee-V



CERTIFIED COPY



Phone : +91-11-26498356, 41752340,
45603795, 45603739, 43559586
E-mail : barcouncilofdelhi@rediffmail.com
Web. : www.delhibarcouncil.com

दिल्ली विधिज्ञ परिषद्
BAR COUNCIL OF DELHI
(Statutory Body Constituted under the Advocates Act, 1961)
2/6, Siri Fort Institutional Area, Khel Gaon Marg, New Delhi-110 049

Ref. No. : 028/Gen/SF/2024

18.01.2024

Dated :

NOTIFICATION

It is hereby notified for general information that pursuant to the Order dated 06.11.2023 passed by the Disciplinary Committee of Bar Council of Delhi, the licence to practice of **Mr. Peeush Kulshreshtha, (D/870-A/1990)**, R/o Chamber No. 41, Lawyers Chambers, 1st Floor, Karkardooma Court, Delhi-110032, has been suspended from practice as an Advocate in or before any Court of Law for a period of 7 (Seven) years from date of order i.e. 06.11.2023 to 05.11.2030, on finding him guilty of gross misconduct for creating forged and fabricated Court Decree.

This has emanated from the Complaint No. 256/2022 titled **Ms. Kamlesh Gupta Versus Mr. Peeush Kulshreshtha.**


Col. Arun Sharma (Retd.)
Secretary

Copy forwarded for information to :-

1. The 1st Additional Solicitor General of India, Supreme Court of India, New Delhi.
2. The Secretary, Bar Council of India, 21, Rouse Avenue, New Delhi
3. The Secretaries of All Bar Associations, Delhi
4. The Secretaries of All State Bar Councils.
5. The Registrar, Supreme Court of India, New Delhi
6. The Registrar General, High Court of Delhi, New Delhi
7. The Registrar General, All High Courts in India
8. The District & Session Judge, Tis Hazari Courts, Delhi
9. The District Judges in all 8 Districts of Delhi
10. The District Magistrates in all 9 Districts of Delhi
11. The Secretary, Ministry of Law, Justice & Co. Affairs, New Delhi
12. Ms. Kamlesh Gupta w/o Late Dinesh Kumar Gupta, 2/120, 1st Floor, Sunder Vihar, Paschim Vihar, Delhi-110087..
13. Mr. Peeush Kulshreshtha, (D/870-A/1990), Chamber No. 41, Lawyers Chambers, 1st Floor, Karkardooma Court, Delhi-110032.
Also at :- 104/1, 3rd Floor, Laxmi Nagar, Ramesh Park, Delhi-110092.
(You are directed to submit your original Enrolment Certificate & identity Card issued by the Bar Council of Delhi.)





DISCIPLINARY COMMITTEE-V
BAR COUNCIL OF DELHI

Head Office : 2/6, Sirifort Institutional Area, Khelgaon Marg, New Delhi-110049.
Branch Office: 1-F, Lawyers' Chambers, Delhi High Court, New Delhi. Ph: 23387701

Complaint No. 256/2022

Ms. Kamlesh Gupta Vs. Mr. Peeush Kulshreshtha, Advocate

Reserved on 20.10.2023

Pronounced on 06.11.2023

The present Complaint bearing No. 256/2022 was filed by one Ms. Kamlesh Gupta (the Complainant herein) against Mr. Peeush Kulshreshtha, Advocate, on 04.11.2022. thereafter, the matter was first taken up for consideration before the Full House of the Bar Council of Delhi on 18.11.2022. The House then issued upon a notice to the Complainant to present her case. Post hearing the Complainant, a Notice was then sent to the Respondent for 24.11.2022, on the said date, the meeting could not take place and the matter was further adjourned to 30.11.2022. On 30.11.2022, neither the Respondent was present nor any reply was filed on his behalf. After looking into the seriousness of the allegations levelled in the Complaint, the complaint was referred to this Disciplinary Committee for further adjudication.

The Respondent never appeared before the Full House of Bar Council of Delhi on any of the dates nor any reply was filed by or on behalf of him.

We have gone through the complaint. It is, inter alia, alleged by the Complainant that Respondent, Mr. Peeush Kulshreshtha, Advocate, was engaged by her in the year 2009, to file a Civil suit, titled as "Dinesh Chander Gupta versus Rajesh" bearing Registration number 66505/2008 and now bearing Goswara number 174/EAST, for declaration and permanent injunction. It is further the case of the Complainant, that the respondent informed the Complainant and her late husband that two decrees have been passed in their favor. On insistence of complainant and her late husband, the respondent herein handed over two forged decrees, (1) being Judgment dated 05.10.2009 passed by the court of Sh. Naresh Kumar Malhotra, ACJI, Karkardooma Courts, Delhi in Civil suit no.505/2008 titled as "Dinesh Chander Gupta versus Rajesh" (Later found to be forged) and another (2) being Judgment dated 04.08.2009 passed by the court of Sh. M.P. Singh, Civil Judge, Karkardooma Courts, Delhi in Suit No.322/08 titled as "Sh. Dinesh Chander Gupta versus Rajesh" (Later found to be never filed)


D.K. Singh

(D.K. Singh)
Chairman


Rajesh Mishra

(Rajesh Mishra)
Member


Imran Kamal

(Imran Kamal)
Member

Disciplinary Committee-V



DISCIPLINARY COMMITTEE-V BAR COUNCIL OF DELHI

Head Office : 2/6, Sirifort Institutional Area, Khelgaon Marg, New Delhi-110049.
Branch Office: 1-F, Lawyers' Chambers, Delhi High Court, New Delhi. Ph: 23387701

Complaint No. 256/2022

Ms. Kamlesh Gupta Vs. Mr. Peeush Kulshreshtha, Advocate

It is further alleged by the Complainant that in the year 2019, police got the said shop vacated after showing a court order dated 30.05.2019. Complainant forwarded the said order to the respondent via WhatsApp, and respondent demanded Rs.10,000/- for getting mutation process started and after repeated false assurances given through phone calls and WhatsApp messages; and inordinate delays caused by respondent, the complainant approached a legal counsel in August, 2022 and after conducting the legal search, it was found that the two decrees bearing case no. 66505/2008 and 322/2008 given by respondent in the year 2009 were forged and were not in existence. Complainant also found that Suit No.322/08 titled as "Sh. Dinesh Chander Gupta versus Rajesh", whose decree was handed over by respondent in 2009, was never filed & there was no suit by this name or number.

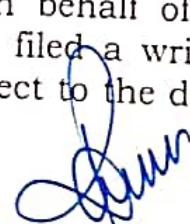
It is further alleged by the Complainant that a suit for eviction RC/ARC No. 869/2016 titled as "Sh. Rajiv Kumar versus Sh. Dinesh Chander Gupta" was initiated against complainant's husband in which respondent appeared on behalf of complainant's husband, and thereby filed written statement as well as affidavit with forged signatures of complainant's husband, and received replication, however, stopped appearing in the matter, due to which an ex-parte decree of eviction was passed against complainant's husband.

The Complainant further alleged that the respondent was giving false assurances from 2009-2022 that there is a decree in complainant's husband's favour and thus, he is getting mutation done. Moreover, the respondent also mentioned in the written statement filed in RC/ARC No. 869/2016 that the mutation of the tenanted shop had already been done in favour of the Complainant's husband, but again he failed to show any proof of this claim before the Court. On 14.12.2020, respondent shared a format for mutation (Application for mutation title), and asked the complainant to sign it properly & instructed to fill "Holder of court order" in the "Status" column of that form. On the other hand, respondent was appearing in RC/ARC No.869/16 without authority and without even informing about the case to complainant.

It is further alleged by the Complainant that even though the respondent was appearing on behalf of complainant's husband in RC/ARC No.869/16 and had filed a written statement without any authority, he had failed to object to the delivery of court notice to Sh.



(D.K. Singh)
Chairman



(Rajesh Mishra)
Member
Disciplinary Committee-V



(Imran Kamal)
Member



DISCIPLINARY COMMITTEE-V BAR COUNCIL OF DELHI

Head Office : 2/6, Sirifort Institutional Area, Khelgaon Marg, New Delhi-110049.
Branch Office: 1-F, Lawyers' Chambers, Delhi High Court, New Delhi. Ph: 23387701

Complaint No. 256/2022

Ms. Kamlesh Gupta Vs. Mr. Peeush Kulshreshtha, Advocate

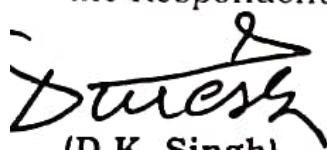
Chander Bhan Gupta, father of complainant's husband who died on 21.04.2001. Being advocate of the complainant's husband, the respondent knew that father of complainant's husband had died long ago and after initially representing the complainant's husband, respondent stopped appearing in the said case, due to which it was decided ex-parte. He further failed to make the complainant aware about the actual outcome of RC/ARC No.869/16 and kept assuring the complainant as well as her husband that the shop belongs to them and he will get mutation done. That the Respondent went on to the extent of submitting forged decrees in court in RC/ARC No.869/16 and this fact has been duly noted by the Hon'ble Court in Para no.4 of order dated 22.08.2017.

On 23.03.2023, when the matter was taken up for the time before this Disciplinary Committee, the Respondent was not present. It was informed by the office staff that the copy of the notice was served upon the Respondent through WhatsApp, which was duly received by the Respondent. The office staff had filed the copy of the mobile screen shot, which was taken on record and in the interest of justice, one opportunity was granted to the Respondent to defend the matter.

The Disciplinary Committee directed the office to send notice along with a copy of the Complaint to the Respondent by Speed Post as also to inform him about the next date of hearing by all modes including WhatsApp, SMS etc., with clear directions to file his reply, if any, within one weeks, with advance copy to the Complainant, who may also file the rejoinder, if any, within a week thereafter. Office was also directed to serve the notice upon the Respondent through Executive of Shahdara Bar Association.

On the same date i.e. on 23.03.2023, a request was made by the Counsel for the Complainant that they wish to file some additional documents, in support of their complaint, which was allowed by the Committee and the matter was adjourned for 05.04.2023.

On 05.04.2023, again the Respondent did not turned up. However, it was informed by the Office staff that the Respondent has been served through Bar Association of Karkardooma Court and also through WhatsApp and even the office staff had telephonic conversation with the Respondent, who had assured that he will appear today.


(D.K. Singh)
Chairman


(Rajesh Mishra)
Member


(Imran Kamal)
Member

Disciplinary Committee-V



**DISCIPLINARY COMMITTEE-V
BAR COUNCIL OF DELHI**

Head Office : 2/6, Sirifort Institutional Area, Khelgaon Marg, New Delhi-110049.
Branch Office: 1-F, Lawyers' Chambers, Delhi High Court, New Delhi. Ph: 23387701

Complaint No. 256/2022

Ms. Kamlesh Gupta Vs. Mr. Pecush Kulshreshtha, Advocate

It was observed by the Disciplinary Committee that despite of service having been affected upon the Respondent through Bar Association of Karkardooma Court as well as WhatsApp and telephonic conversation held between official staff of Bar Council of Delhi and Respondent, the Respondent did not turned up and hence Respondent was proceeded ex-parte and the Complainant was directed to filed her Evidence by way of Affidavit and matter was adjourned for 10.04.2023. At this stage, the Complainant wanted to submit the copy of the Police complaint, however, the same was not taken on record, as no proper application was filed along with the said complaint.

On 10.04.2023, Complainant moved an application for police complaint along with complaint, which was taken on record and the matter was adjourned for 25.04.2023.

On 25.04.2023, Complainant filed an application for correction of Complainant's husband (deceased) name, which was taken on record. The Counsel was directed to supply the copy of said application to the Respondent and was further directed to file the proof of the service of the said application on or before the next date of hearing and the matter was fixed for consideration of the said application and further proceedings on 02.05.2023.

On 02.05.2023, the Counsel for the Complainant filed the proof of the service of the application for correction of Complainant's husband (deceased) name, to the Respondent and has also filed the proof of the service of the said application along with Affidavit under Section 65B of The Indian Evidence Act. It was observed by the Disciplinary Committee that the present application has also been duly served and the Respondent is intentionally and deliberately avoiding to appear before the Disciplinary Committee. Since Respondent has already been proceeded ex-parte on 05.04.2023, the following issues were framed:-

1. Whether there is professional or other misconduct on the part of the Respondent? OPP
2. Relief.


(D.K. Singh)

Chairman


(Rajesh Mishra)
Member


(Iman Kamal)
Member

Disciplinary Committee-V



DISCIPLINARY COMMITTEE-V BAR COUNCIL OF DELHI

Head Office : 2/6, Sirifort Institutional Area, Khelgaon Marg, New Delhi-110049.
Branch Office: 1-F, Lawyers' Chambers, Delhi High Court, New Delhi. Ph: 23387701

Complaint No. 256/2022

Ms. Kamlesh Gupta Vs. Mr. Pecush Kulshreshtha, Advocate

Complainant was directed to file her ex-parte Evidence by way of Affidavit within a week and the matter was fixed for 17.05.2023.

On 17.05.2023, Complainant filed her evidence by way of Affidavit and the matter was adjourned for 25.05.2023.

On 25.05.2023, at the time of tendering evidence, it was revealed that the Complainant had not brought some original papers and she sought time to bring original documents on the next date of hearing. Considering the request of Complainant, matter was adjourned for tendering of ex-parte evidence on 05.07.2023.

On 05.07.2023, for the first time, Mr. Mridul, Advocate (D/6770/2022) appeared for the Respondent and filed an application for setting aside the Ex-Parte Order dated 05.04.2023. Copy was supplied to the Counsel for the Complainant and matter was adjourned for reply and argument on the application of Respondent for setting aside Ex-Parte Order dated 05.04.2023. The plea taken by the Respondent is as under:-

....2. That on dated 05.04.2023, the Respondent proceed ex-parte as due to non-appearance but in fact the Respondent never received any summon or notice physically issued by above said committee and intentionally complainant has not mentioned or provide the court address which is in the knowledge of the complainant but she deliberately has not provided the court address of the Respondent just to take the ex-parte order against the Respondent.

3. That the wife of the Respondent since a long is suffering from various diseases like diabetes, blood pressure and knee problems and in this regard she was admit several times in the Kailash Hospital, Karkardooma and Max Hospital, Patpatganj, Delhi and she is totally on bed and nobody in the house to look after except the Respondent, hence the Respondent could not appear on the last date of hearings before the above said committee and the Respondent proceeded ex-parte vide order dated 05.04.2023 hence the present application for set-aside the ex-parte order dated 05.04.2023..."

(D.K. Singh)
Chairman

Disciplinary Committee-V

(Rajesh Mishra)
Member

(Imran Kamal)
Member



DISCIPLINARY COMMITTEE-V BAR COUNCIL OF DELHI

Head Office : 2/6, Sirifort Institutional Area, Khelgaon Marg, New Delhi-110049.
Branch Office: 1-F, Lawyers' Chambers, Delhi High Court, New Delhi. Ph: 23387701

Complaint No. 256/2022

Ms. Kamlesh Gupta Vs. Mr. Pecush Kulshreshtha, Advocate

Mr. Mridul, Counsel appearing for the Respondent sought time to file Vakalatnama, and he filed Memo of Appearance on behalf of the Respondent. Respondent was directed to file fresh Affidavit stating that he has never been served, either WhatsApp or Speed Post or by way of dasti through Bar Association as well as other address of the Respondent.

On 27.07.2023, Mr. Mridul, Advocate again appeared for the Respondent. The Complainant filed her response dated 24.07.2023, to the application filed by Respondent for setting aside the Ex-Parte Order dated 05.04.2023, which was taken on record, and the Complainant vehemently denied all the contentions of the Respondent and the copy of said response was supplied to the counsel for the Respondent.

Mr. Mridul, Counsel for the Respondent submitted an affidavit filed by the respondent to the effect that Respondent had never been served in this matter. Copy of the said affidavit was supplied to the complainant and parties were directed to appear in person along with their counsels for addressing their respective arguments on the application of setting aside ex-partes order and both the parties were given liberty to file documents on which they are relying upon. Both the parties were directed to share their respective emails so that they can serve the advance copies of documents upon which they are relying upon. The matter was adjourned to 18.08.2023 for arguments on the application of setting aside ex-partes order.

On 18.08.2023, in compliance of the last order, the Complainant filed certain documents in support of her arguments and was directed to supply the copy of the same to the Respondent before the next date of hearing.

It was observed by the Disciplinary Committee that direction was also given to the Respondent to appear in person to give clarification on certain aspects and was further directed to file the documents relied upon him. Despite the direction, none appeared for the Respondent and hence a cost of Rs.2,000/- (Rupees Two Thousand Only) was imposed upon the Respondent, which was to be paid on or before the next date of hearing, in the account of Advocates Welfare Fund, Bar Council of Delhi and in the interest of justice, final opportunity was granted to the Respondent to address his arguments on 06.09.2023 at 4.00 P.M.

(D.K. Singh)
Chairman

(Rajesh Mishra)
Member

(Imran Kamal)
Member

Disciplinary Committee-V



DISCIPLINARY COMMITTEE-V BAR COUNCIL OF DELHI

Head Office : 2/6, Sirifort Institutional Area, Kholgaon Marg, New Delhi-110049.
Branch Office: 1-F, Lawyers' Chambers, Delhi High Court, New Delhi. Ph: 23387701

Complaint No. 256/2022

Ms. Kamlesh Gupta Vs. Mr. Peeush Kulshreshtha, Advocate

On 06.09.2023, due to unavailability of Disciplinary Committee-V Members, the meeting of Disciplinary Committee-V is adjourned for 25.09.2023 and both the parties were informed about the next date of hearing.

On 25.09.2023, the office staff had contacted the respondent on telephone and the respondent informed the staff that he is not willing to attend today's proceedings as he is busy in his matter at Tis Hazari. The office staff had also received the message from the Respondent through WhatsApp conveying his unwillingness and accordingly, matter was renotified for 16.10.2023.

On 16.10.2023, Respondent had sent a WhatsApp Message, stating that he is unable to attend the proceedings, as his nephew met with an Accident at Meerut and sustained head injury and sought adjournment of the matter and further submitted that he will positively attend the next date of hearing.

The record revealed that on 18.08.2023, cost of Rs.2,000/- (Rupees Two Thousand Only) was imposed upon the Respondent, to be paid on or before 06.09.2023, in the account of Advocates Welfare Fund, Bar Council of Delhi and final opportunity was granted to Respondent to address his arguments.

It is observed that the Respondent has never appeared before the Disciplinary Committee on any of the dates and even the reply to the Complaint has not been filed by him, despite various opportunities.

The Respondent has not complied with any of the orders passed on different occasions and he never appeared in person in spite of the direction given in this regard.

The Disciplinary Committee observed that the conduct of the Respondent is not up to the mark and he is intentionally and deliberately not appearing before this Disciplinary Committee, which fact was evident from the records placed before the Committee by the office staff of Bar Council of Delhi. The record placed before the Committee was perused and it was observed that the Respondent has


D.K. Singh

(D.K. Singh)
Chairman


Rajesh Mishra

Member

Disciplinary Committee-V


Imran Kamal

Member



DISCIPLINARY COMMITTEE-V BAR COUNCIL OF DELHI

Head Office : 2/6, Sirifort Institutional Area, Khelgaon Marg, New Delhi-110049.
Branch Office: 1-F, Lawyers' Chambers, Delhi High Court, New Delhi. Ph: 23387701

Complaint No. 256/2022

Ms. Kamlesh Gupta Vs. Mr. Peeush Kulshreshtha, Advocate

no respect in the imperial institution of Bar Council of Delhi as well as the present Disciplinary Committee.

On 16.10.2023 itself, the application of the Respondent dated 05.07.2023 for setting aside the ex-parte order dated 05.04.2023 was taken up for consideration and it was found that the application was not supported with any document in support of his averments, and after considering the entire records placed before the Committee, it was further observed that the Respondent has never appeared before the Disciplinary Committee at any point of time and he sent only his counsel, Mr. Mridul, who appeared on 05.07.2023 and filed his Memo of Appearance and the application for setting aside the Ex-Parte Order dated 05.04.2023 and again appeared only on 27.07.2023, and thereafter, neither the Respondent nor his Counsel appeared on any date before the Committee to either contest the present case or address his argument for the application for setting aside ex-parte order.

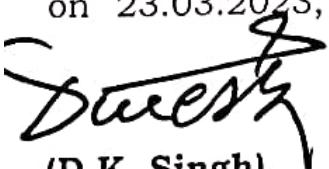
Accordingly, the application of the Respondent dated 05.07.2023 for setting aside the ex-parte order dated 05.04.2023 was dismissed on 16.10.2023 and separate order was passed in this regard, which was recorded separately.

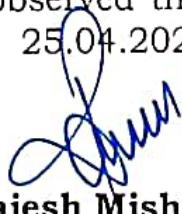
The present Disciplinary Committee was left with no other option, but to proceed further.

The record revealed that the Respondent was already proceeded ex-parte vide order dated 05.04.2023 and issues have already been framed in this matter on 02.05.2023 and that the Ex-Parte Evidence by way of Affidavit has also been filed by the Complainant on 17.05.2023 and the said Evidence by way of Affidavit was considered on 16.10.2023 and the same has been got tendered and recorded separately.

The Complainant was directed to file Written Synopsis within two days, which were filed by the Complainant on 18.10.2023 and the same was taken on record and the Counsel for the Complainant also addressed his arguments orally. The case was therefore, put up for Orders on 20.10.2023 and accordingly, matter was reserved for final order.

The Disciplinary Committee observed that the proceedings were held on 23.03.2023, 10.04.2023, 25.04.2023, 02.05.2023, 17.05.2023,


(D.K. Singh)
Chairman


(Rajesh Mishra)
Member


(Imran Kamal)
Member

Disciplinary Committee-V



DISCIPLINARY COMMITTEE-V BAR COUNCIL OF DELHI

Head Office : 2/6, Sirifort Institutional Area, Khelgaon Marg, New Delhi-110049.
Branch Office: 1-F, Lawyers' Chambers, Delhi High Court, New Delhi. Ph: 23387701

Complaint No. 256/2022

Ms. Kamlesh Gupta Vs. Mr. Peeush Kulshreshtha, Advocate

25.05.2023, 05.07.2023, 27.07.2023, 18.08.2023, 06.09.2023, 25.09.2023, 16.10.2023, 18.10.2023 and 20.10.2023, however, the Respondent was not present on any of these dates and only one Mr. Mridul, Advocate appeared for Respondent on two dates i.e. on 05.07.2023 and 27.07.2023 and only filed an application for setting aside the ex-parte order dated 05.04.2023.

Office had categorically informed the Respondent that he has already been proceeded ex-parte, however, opportunity was granted to the Respondent to clarify the allegations made by the Complainant.

The Disciplinary Committee is constrained to observe that the conduct of the respondent is not appropriate and he seems to be not interested in contesting the matter on merits, despite the fact that this Committee had granted him time on various dates and even the payment of cost of Rs.2,000/- has not been paid by the Respondent.

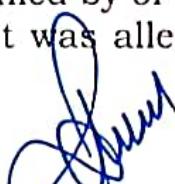
We have perused the entire records. Ex-parte evidence of Complainant has already been recorded on 16.10.2023 and the complainant had filed written synopsis and her counsel has also addressed oral arguments before the Disciplinary Committee and the matter was accordingly reserved for orders.

Since the Respondent, Mr. Peeush Kulshreshtha, Advocate, failed to appear despite of various attempts made by the office of Bar Council of Delhi, and he being served as per the record of Bar Council of Delhi, the Committee has to look into the complaint, Evidence by way of Affidavit and documents produced by the Complainant in the matter.

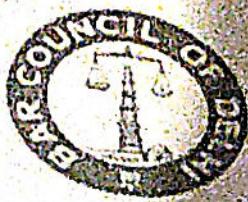
The statements and the documents filed by the Complainant remains unrebutted by the Respondent and even the Complainant has not been cross examined by the Respondent. This Committee has no option except to rely upon the statement of the Complainant in terms of her Complaint, Evidence by way of Affidavit, clubbed with the documents. From the perusal of the above, professional misconduct on the part of Respondent is established.

It is germane to mention here that, the allegations leveled upon the Respondent in the complaint filed by or on behalf of the complainant, are serious in nature, whereby, it was alleged against him that in order to


(D.K. Singh)
Chairman


(Rajesh Mishra)
Member


(Imran Kamal)
Member



DISCIPLINARY COMMITTEE-V BAR COUNCIL OF DELHI

Head Office : 2/6, Sinston Institutional Area, Khajuri Marg, New Delhi - 110006
Branch Office: 1-F, Lawyers' Chambers, Delhi High Court, New Delhi, Ph: 23327177

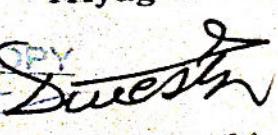
Complaint No. 256/2022

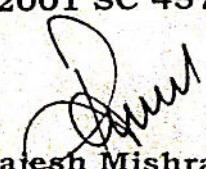
Ms. Kamlesh Gupta Vs. Mr. Pecush Kulshreshtha, Advocate
mislead and play fraud upon his own clients (the Complainant herein), the Respondent being an officer of the court, forged official court documents and created false and duplicate court orders/decrees for the purposes of defrauding his own clients. It is submitted that the said complaint was initially placed before the house, however, despite receiving the due notice, the Respondent intentionally and deliberately evaded the process, whereby leading to drawing up of a conclusion pointing towards his guilt. Left with no alternate, as well as considering the gravity of the allegations leveled upon the Respondent, which remained unrebutted, the Full House referred the said complaint before the disciplinary committee for further adjudication. The disciplinary authority, in terms of the rules and regulations accorded sufficient opportunities to the Respondent to rebut the allegations leveled against him and to prove his innocence as the onus of proving his innocence was entirely upon the Respondent. However, for the reasons best known to him, despite being well aware about the aforesaid proceedings, the Respondent herein did not choose to appear as well as produce any such piece of evidence which negated the allegations leveled against him or proved his innocence.

The allegations leveled against the Respondent are extremely grave in nature, which cannot be ignored in any manner. The Respondent herein by way of creating forged court decrees has not just played fraud upon his own clients but being an officer of the court has misused his license as well as has made a mockery of law and justice delivery system, which in no manner can be accepted upon. Such conduct of an advocate, is not just morally and socially wrong but is totally unjustifiable in every manner and is highly condemnable, as these acts by an officer of the court who owes great responsibility in upholding the principles of justice & equity, have grave impact over the society as it makes people at large lose their confidence in the justice delivery system.

The Hon'ble Apex Court in catena of judgments held that "the legal profession is a noble profession. It is not a business or a trade. A person practicing law has to practice in the spirit of honesty and not in the spirit of mischief-making or money-getting. An advocate's attitude towards and dealings with his client have to be scrupulously honest and fair".

The Hon'ble Supreme Court in the case titled as **D.P. Chaddha Versus Triyagi Narain Mishra, AIR 2001 SC 457**, held as under:-

CERTIFIED COPY

(D.K. Singh)
Chairman


(Rajesh Mishra)
Member
Disciplinary Committee-V


(Imran Kamal)
Member



DISCIPLINARY COMMITTEE-V BAR COUNCIL OF DELHI

Head Office: 2/6, Sirdar Institutional Area, Khelgaon Marg, New Delhi-110049.
Branch Office: 1-F, Lawyers' Chambers, Delhi High Court, New Delhi. Ph: 23387701

Complaint No. 256/2022

Mr. Kamlesh Gupta Vs. Mr. Poochh Kulshreshtha, Advocate

mislead and play fraud upon his own clients (the Complainant herein), the Respondent being an officer of the court, forged official court documents and created false and duplicate court orders/decrees for the purpose of defrauding his own clients. It is submitted that the said complaint was initially placed before the house, however, despite receiving the due notice, the Respondent intentionally and deliberately evaded the process, whereby failing to drawing up of a conclusion pointing towards his guilt. Left with no alternate, as well as considering the gravity of the allegations leveled upon the Respondent, which remained unrebutted, the Full House referred the said complaint before the disciplinary committee for further adjudication. The disciplinary authority, in terms of the rules and regulations accorded sufficient opportunities to the Respondent to rebut the allegations leveled against him and to prove his innocence as the onus of proving his innocence was entirely upon the Respondent. However, for the reasons best known to him, despite being well aware about the aforesaid proceedings, the Respondent herein did not choose to appear as well as produce any such piece of evidence which negated the allegations leveled against him or proved his innocence.

The allegations leveled against the Respondent are extremely grave in nature, which cannot be ignored in any manner. The Respondent herein by way of creating forged court decrees has not just played fraud upon his own clients but being an officer of the court has misused his license as well as has made a mockery of law and justice delivery system, which in no manner can be accepted upon. Such conduct of an advocate, is not just morally and socially wrong but is totally unjustifiable in every manner and is highly condemnable, as these acts by an officer of the court who owes great responsibility in upholding the principles of justice & equity, have grave impact over the society as it makes people at large lose their confidence in the justice delivery system.

The Hon'ble Apex Court in catena of judgments held that "the legal profession is a noble profession. It is not a business or a trade. A person practicing law has to practice in the spirit of honesty and not in the spirit of mischief-making or money-getting. An advocate's attitude towards and dealings with his client have to be scrupulously honest and fair".

The Hon'ble Supreme Court in the case titled as **D.P. Chaddha Versus Triyagi Narain Mishra, AIR 2001 SC 457**, held as under:-



(D.K. Singh)
Chairman



(Rajesh Mishra)
Member

Disciplinary Committee-V



(Imran Kamal)
Member



DISCIPLINARY COMMITTEE-V BAR COUNCIL OF DELHI

Head Office : 2/6, Sirifort Institutional Area, Khelgaon Marg, New Delhi-110049.
Branch Office: 1-F, Lawyers' Chambers, Delhi High Court, New Delhi. Ph: 23387701

Complaint No. 256/2022

Ms. Kamlesh Gupta Vs. Mr. Peeush Kulshreshtha, Advocate

"The term misconduct has not been defined in the Act. However, it is an expression with a sufficiently wide meaning. In view of the prime position of administration of justice and justice delivery system, the courts justifiably expect from the lawyers a high standard of professional and moral obligation in the discharge of their duties. Any act or omission on the part of a lawyer which interrupts or misdirects the sacred flow of justice or which renders a professional unworthy of right to exercise the privilege of the profession would amount to misconduct attracting the wrath of disciplinary jurisdiction".

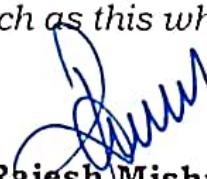
It is further observed by the Hon'ble Court that,

"A lawyer in discharging his professional assignment has a duty to his client, a duty to his opponent, a duty to the court, a duty to the society at large and a duty to himself. It needs a high degree of probity and poise to strike a balance and arrive at the place of righteous stand more so when there are conflicting claims. While discharging duty to the court, a lawyer should never knowingly be a party to any deception, design or fraud.... Professional misconduct is grave when it consists of betraying the confidence of a client and is gravest when it is a deliberate attempt at misleading the court or an attempt at practicing deception or fraud on the court. The client places his faith and fortune in the hands of the counsel for the purpose of that case; the court places its confidence in the counsel in case after case and day after day...."

In the case titled as Narain Pandey Versus Pannalal Pandey, Civil Appeal No. 6363 of 2004, Hon'ble Supreme Court held that,

"18. The professional misconduct committed by the respondent is extremely grave and serious. He has indulged in mischief-making. An advocate found guilty of having filed vakalatnamas without authority and then filing fictitious compromises without any authority deserves punishment commensurate with the degree of misconduct that meets the twin objectives - deterrence and correction. Fraudulent conduct of a lawyer cannot be viewed leniently lest the interest of the administration of justice and the highest traditions of the Bar may become casualty. By showing undue sympathy and leniency in a matter such as this where the advocate has been found

(D.K. Singh)
Chairman


(Rajesh Mishra)
Member
Disciplinary Committee-V


(Imran Kamal)
Member



DISCIPLINARY COMMITTEE-V
BAR COUNCIL OF DELHI

Head Office : 2/6, Sirifort Institutional Area, Khelgaon Marg, New Delhi-110049.
Branch Office: 1-F, Lawyers' Chambers, Delhi High Court, New Delhi. Ph: 23387701

Complaint No. 256/2022

Ms. Kamlesh Gupta Vs. Mr. Peeush Kulshreshtha, Advocate

guilty of grave and serious professional misconduct, the purity and dignity of the legal profession will be compromised. Any compromise with the purity, dignity and nobility of the legal profession is surely bound to affect the faith and respect of the people in the rule of law. Moreover, the respondent advocate had been previously found to be involved in a professional misconduct and he was reprimanded. Having regard to all these aspects, in our view, it would be just and proper if the respondent-advocate is suspended from practice for a period of three years from today. We order accordingly."

To sum up, we are constrained to say that no Advocate gets a license to do the acts, illegal acts, which have been done by the Respondent Advocate in the present case to tarnish the image of noble profession of legal fraternity. The license granted by the esteemed authority constituted under the statutory law of granting him the license to practice as an officer of the Court, does not grant him to this kind of professional misconduct.

The license granted by the esteemed authority constituted under the statutory law of granting him the license to practice as an officer of the Court, does not grant him the liberty to commit such misconduct. By such acts, the credibility and reputation of the profession as a whole comes under cloud. If any member from the profession falls below such standards, he/she deserves punishment commensurate with the gravity of misconduct.

In the instant case, the Respondent has not only betrayed the faith of his client, but has also committed the fraud upon the Court by way of creating forged and fabricated Court Decree, therefore, the Committee finds the **Respondent, Mr. Peeush Kulshreshtha, Advocate, guilty of gross misconduct and accordingly suspends his license to practice as an Advocate for a period of 7 years** from the date of this order, as he has tarnished the image of the noble legal profession by his acts. The Respondent is also directed to make the payment of **Rs.2,00,000/- (Rupees Two Lacs Only)**, to the Complainant towards the compensation and damages suffered by her.

Office Secretary is requested for compliance of this order as per law.

The file be consigned to record room.

(D.K. Singh)
Chairman

(Rajesh Mishra)
Member

(Imran Kamal)
Member

Disciplinary Committee-V