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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3541/2026**

Date of decision: **19.03.2026**

IN THE MATTER OF:

SHRI JOHN DAVID KUSMODE

.....Petitioner

(Through: Mr. Robin Ratnakar David and Ms. Neiting Khongsai, Advocates.)

versus

UNION OF INDIA, UNDER SECRETARY, MINISTRY OF LAW
AND JUSTICE, DEPARTMENT OF LEGAL AFFAIRS, NOTARY
CELL & ORS.

.....Respondents

*(Through: Mr Jagdish Chandra (CGSC), Ms Aishwarya Sinha
(GP), Ms Maanya Saxena, Advocates.)*

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

J U D G E M E N T

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. The instant petition is for the following reliefs:-

“a) Issue a writ of Certiorari or any other appropriate writ, order or direction, setting aside the Inquiry Report dated 11.06.2025 and Order dated 22.12.2025 passed by the Respondents cancelling the Petitioner’s Certificate of Practice as Notary Public and directing removal of his name from the Register of Notaries;

b) Issue a writ of Mandamus or any other appropriate writ, order or direction, directing the Respondents:

i. to forthwith restore the name of the Petitioner in the Register of Notaries maintained under the Notaries Act, 1952; and



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ii. to reinstate and revalidate the Petitioner's Certificate of Practice as Notary Public (Regn. No. 4501) and permit the Petitioner to continue to practise as Notary Public;

c) Pass such other and further writs, orders or directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice."

2. The facts of the case would indicate that the Petitioner is a 72-year-old advocate and Notary Public who has been practicing at the District Court, Ahmednagar, Maharashtra since 1979.

3. The present matter arises out of disciplinary proceedings initiated on the basis of a complaint alleging improper notarisation of documents pertaining to Rays Foundation Trust. It is stated that in February 2022, the Petitioner had certified photocopies of Trust records as "True Copy" after purportedly comparing it with the originals produced before him.

4. Subsequently, an FIR dated 02.05.2024 came to be registered at Kotwali Police Station, Ahmednagar, against certain trustees for alleged forgery and misappropriation in respect of certain transactions stated to have occurred in February 2023, wherein the Petitioner was neither named nor implicated. Thereafter, on 15.04.2024, a complaint was submitted before the Superintendent of Police, Ahmednagar, wherein, allegations were also levelled against the Petitioner. However, upon inquiry, no alleged involvement of the Petitioner is stated to have been found and the inquiry against him was closed.

5. Further, a complaint was filed before the Notary Cell on 20.12.2024 alleging professional misconduct by the petitioner. After conducting an



inquiry, the Competent Authority *vide* an inquiry report dated 11.06.2025 concluded that the notarisation was ante-dated and that non-production of the Notarial Register indicated improper notarisation. Accordingly, the charges were held to have been proved. Based on this report, the Central Government *vide* order dated 22.12.2025 cancelled the petitioner's Certificate of Practice.

6. Learned counsel for the petitioner places reliance on a decision of this Court in the case of *Sterling Agro Industries Ltd. v. Union of India*,¹ wherein, this Court ruled that while exercising jurisdiction under Article 226 of the Constitution of India, the doctrine of *forum conveniens* can be applied. Also, the Court observed that the situs of the authority passing the order impugned in a petition cannot be the sole determinative criteria requiring this Court to entertain a writ. Further, the Court laid down that the cause of action depends upon the factual matrix of each case and cannot be totally based on the situs of the tribunal/appellate authority/revisional authority while completely ignoring the concept of *forum conveniens*. In paragraph nos. 32 and 33 of the said decision, this Court held that:

“32. The principle of forum conveniens in its ambit and sweep encapsulates the concept that a cause of action arising within the jurisdiction of the Court would not itself constitute to be the determining factor compelling the Court to entertain the matter. While exercising jurisdiction under Articles 226 and 227 of the Constitution of India, the Court cannot be totally oblivious of the concept of forum conveniens. The Full Bench in New India Assurance Co. Ltd. (supra) has not kept in view the concept of forum conveniens and has expressed the view that if the appellate authority who has passed the order is situated in Delhi, then the Delhi High Court should be treated as the forum conveniens. We are unable to subscribe to the said view.

¹ 2011 SCC OnLine Del 1385.



33. *In view of the aforesaid analysis, we are inclined to modify, the findings and conclusions of the Full Bench in New India Assurance Company Limited (supra) and proceed to state our conclusions in seriatim as follows:*

(a) The finding recorded by the Full Bench that the sole cause of action emerges at the place or location where the tribunal/appellate authority/revisonal authority is situated and the said High Court (i.e., Delhi High Court) cannot decline to entertain the writ petition as that would amount to failure of the duty of the Court cannot be accepted inasmuch as such a finding is totally based on the situs of the tribunal/appellate authority/revisonal authority totally ignoring the concept of forum conveniens.

(b) Even if a miniscule part of cause of action arises within the jurisdiction of this court, a writ petition would be maintainable before this Court, however, the cause of action has to be understood as per the ratio laid down in the case of Alchemist Ltd. (supra).

(c) An order of the appellate authority constitutes a part of cause of action to make the writ petition maintainable in the High Court within whose jurisdiction the appellate authority is situated. Yet, the same may not be the singular factor to compel the High Court to decide the matter on merits. The High Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens.

(d) The conclusion that where the appellate or revisonal authority is located constitutes the place of forum conveniens as stated in absolute terms by the Full Bench is not correct as it will vary from case to case and depend upon the lis in question.

(e) The finding that the court may refuse to exercise jurisdiction under Article 226 if only the jurisdiction is invoked in a malafide manner is too restricted/constricted as the exercise of power under Article 226 being discretionary cannot be limited or restricted to the ground of malafide alone.

(f) While entertaining a writ petition, the doctrine of forum conveniens and the nature of cause of action are required to be scrutinized by the High Court depending upon the factual matrix of each case in view of what has been stated in Ambica Industries (supra) and Adani Exports Ltd. (supra).

(g) The conclusion of the earlier decision of the Full Bench in New India Assurance Company Limited (supra) “that since the original order merges into the appellate order, the place where the appellate authority is located is also forum conveniens” is not correct.

(h) Any decision of this Court contrary to the conclusions enumerated hereinabove stands overruled.”



7. It appears that the entire enquiry, including the FIR, the alleged offending/unlawful action, which is the basis of the Impugned Order had taken place outside the jurisdiction of this Court. The material, essential and integral part of cause of action, therefore, has arisen outside the jurisdiction of this Court.

8. This Court in *The Indure Pvt. Ltd. v. Government of NCT of Delhi*,² took note of the decisions in *Shristi Udaipur Hotels v. Housing and Urban Development Corp.*,³ *Riddhima Singh v. Central Board of Secondary Education*,⁴ *Smt. Manjira Devi Ayurveda Medical College and Hospital v. Uttarakhand University of Ayurveda and Ors.*,⁵ *Michael Builders and Developers Pvt. Ltd. v. National Medical Commission and Ors.*,⁶ which declare that the situs of the head office/registered office of the respondent, does not determine whether the Court has the requisite territorial jurisdiction to entertain a writ petition.

9. The Court in *The Indure Pvt. Ltd.* importantly noted, at para. 36:

“36. A petitioner who approaches this Court to assail a decision of an authority situated in Delhi, when the underlying cause for the said decision lies elsewhere, effectively attempts to make this High Court a mini-pan-India Superior Court exercising jurisdiction over all events which take place throughout this Country. There is no gainsaying with the proposition that every High Court is competent to adjudicate upon a lis which arises from events or actions taking place within its territory. Merely because the ultimate order, which is based on events taking place outside Delhi and takes cognizance of actions outside of Delhi, is passed within the

² 2026:DHC:1605.

³ 2014 SCC OnLine Del 2892.

⁴ 2023 SCC OnLine Del 7168.

⁵ 2024:DHC:6903-DB

⁶ 2024:DHC:7146.



jurisdiction of this Court, a writ petition ought not be entertained by this Court.”

10. On the issue of a claimant approaching this Court on the sole-ground of the respondent-authority, being situated within the jurisdiction of this Court, it was observed at para. 37-38:

“37. Naturally, being the capital of the Country, various authorities and bodies having pan-India jurisdiction would be located within the jurisdiction of this Court. Merely because the decision making authority happens to be in Delhi, ought not to be the sole reason to entertain a lis in this Court. The decision, no doubt, may be passed in the national capital, but it is usually against persons situated outside Delhi; and even more importantly, for actions which took place beyond the borders of this Court. The act of giving a hearing in Delhi, or the passing of an order in Delhi, is merely a result of a body/authority being situated in the national capital, it has nothing to do with the lis, the offending action, the legal injury or the foundational facts on the basis of which action is being taken.

38. The case-law cited above, makes repeated reference to “dominant facts”, and facts which are “material, essential and integral” to the lis in question. In most cases, the fact that the order is passed, or the head office is located, or that opportunity of hearing was afforded, within the jurisdiction of this Court is completely immaterial, non-essential, and non-integral to the dispute in question. Any of the aforementioned three aspects could very well have taken place in another part of the Country, it is for the sole reason that Delhi is the national capital, that, in most cases these factors get connected to the jurisdiction of this Court. From another lens, it may be seen that regardless of what the underlying facts or legal injury/infringement may be, the order impugned would, in an overwhelming number of cases be passed from Delhi. If this be the case, can this constant factum, which shall remain present in each case, be considered a “dominant fact” or a “material, essential and integral” fact? The answer must be in the negative.”

11. Ultimately, the Court concluded that the substance of a matter must be adjudged, and not the unchanging constant which is present in every petition against a state-authority, to arrive at a conclusion on whether to entertain a petition in the context of territorial jurisdiction and *forum non conveniens*. At para. 42 this Court observed:



“42. It is the substance of the matter which the Court must consider in determining the connection with Delhi. An order being passed by an authority in Delhi is an unchanging constant. This static/uniform facet, which is unmoved by the nature of the *lis*, ought not to determine where territorial jurisdiction would lie.”

12. In the facts of the instant case, there may be a part of cause of action which has arisen in Delhi, however, the same should not be the sole reason to entertain the instant petition.

13. The Supreme Court in the case of *Kusum Ingots & Alloys Ltd. v. Union of India and Anr.*,⁷ has held that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of *forum conveniens*. The material portion of the aforementioned decision reads as under:

“Forum conveniens

30. We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of *forum conveniens*. [See *Bhagat Singh Bugga v. Dewan Jagbir Sawhney* [AIR 1941 Cal 670 : ILR (1941) 1 Cal 490], *Madanlal Jalan v. Madanlal* [(1945) 49 CWN 357 : AIR 1949 Cal 495], *Bharat Coking Coal Ltd. v. Jharia Talkies & Cold Storage (P) Ltd.* [1997 CWN 122], *S.S. Jain & Co. v. Union of India* [(1994) 1 CHN 445] and *New Horizons Ltd. v. Union of India* [AIR 1994 Del 126].]”

⁷ (2004) 6 SCC 254.



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14. In view of the above, petition stands dismissed. Liberty is, however, granted in favour of the petitioner to approach the jurisdictional High Court to agitate the instant *lis*, if so advised.

15. All rights and contentions of the parties are left open.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MARCH 19, 2026

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