

(1997) 01 SC CK 0033
In the Supreme Court Of India
Case No : Civil Appeal No. 2030 of 1980

Gian Chand Goel	Vs	APPELLANT
Bar Council of India and Another		RESPONDENT

Date of Decision : 07-01-1997

Acts Referred:

Advocates Act, 1961 — Section 38
Criminal Procedure Code, 1973 (CrPC) — Section 125

Citation : (1998) 9 JT 322 : (1997) 11 SCC 108

Hon'ble Judges : Sujata V. Manohar, J; S. C. Agrawal, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. This appeal has been filed u/s 38 of the Advocates Act, 1961. The appellant is an advocate enrolled with the Bar Council of Punjab and Haryana. A complaint was made against the appellant before the State Bar Council by Respondent 2, Abdul Satar, relating to a civil suit filed by the complainant's daughter, Satara Begum, seeking a declaration that the plaintiff was not the lawfully wedded wife of the defendant. The appellant was engaged as a counsel to represent the plaintiff in that suit after the suit had been filed while it was pending in the court. According to the complainant, the appellant had advised the plaintiff that as there were defects in the plaint it was necessary to amend the plaint and he obtained the signatures of Satara Begum on a blank sheet and that instead of seeking an amendment in the plaint the appellant filed an application for withdrawal of suit and the said suit was dismissed as withdrawn. In the complaint it was further stated that the appellant did not inform the complainant that the suit had been withdrawn and further that he obtained signatures of Satara Begum on another blank sheet for the purpose of filing an application for transfer of the case and subsequently the appellant filed an application for maintenance u/s 125 of the CrPC. In the complaint it was also stated that the appellant was paid Rs 300 as fees and Rs 150 as expenses and that even though there was no instruction by the client (Satara Begum) to withdraw the suit and to file an

application for maintenance, the appellant had withdrawn the suit and had filed the application for maintenance u/s 125 Cr.P.C. On the basis of the evidence adduced by the complaint regarding withdrawal of the suit and filing the application u/s 125 Cr.P.C in lieu thereafter without the knowledge and consent of the complainant and his daughter Satara Begum had been fully substantiated. The State Bar Council held that the appellant was guilty of professional and other misconduct. The State Bar Council, therefore, ordered that the appellant be suspended from practice for a period of one year. The appeal filed by the appellant against the said order of the State Bar Council has been dismissed by the Bar Council of India by the impugned order dated 14-8-1980.

2. We have heard Shri B. Kanta Rao, the learned Counsel for the appellant, in support of the appeal and Shri R. Bana, the learned Counsel for Respondent 2. We have also perused the record. We do not find any infirmity in the impugned order of the Bar Council of India holding that the appellant is guilty of professional and other misconduct having withdrawn the suit filed by the daughter of the complainant and in filing the application for maintenance u/s 125 Cr.P.C even though no such instruction had been given to him in that regard. The appeal, therefore, fails and is accordingly dismissed. No order as to costs.