

(1918) 01 CAL CK 0033
In the Calcutta High Court

In Re: Balu Brindaban Chandra Das, A. Mukhtear

Date of Decision : 02-01-1918

Acts Referred:

Legal Practitioners Act, 1879 — Section 14

Citation : 43 Ind. Cas. 819

Hon'ble Judges : Richardson, J;Beachcroft, J

Bench : Division Bench

Judgement

1. This is a reference u/s 14 of the Legal Practitioners Act received from the District Judge of Noakhali. The reference concerns a Mukhtear named Brindaban Chandra Das, who has undoubtedly been guilty of unprofessional conduct in connection with the receipt of a Mukhtearnamah from an unauthorised party. It has been repeatedly laid down by this Court that the rules relating to the acceptance of Vakalatnamas and Mukhtearnamas must be scrupulously and punctiliously observed. In this case it appears that there was a suit in which there was a plaintiff and a pro forma defendant named Jaladhar Das. It was a suit on a mortgage and the plaintiff alleged that Jaladhar Das was his servant and that his name had been used in the mortgage transaction as that of a benamidar. The Mukhtear received a Mukhtearnama purporting to have been signed by Jaladhar Das from a Karamachary or agent of the plaintiff who had no authority from Jaladhar Das to deliver the Mukhtearnama to the Mukhtear. Not only did the Mukhtear receive the Mukhtearnama in this irregular way, but he endorsed upon it a statement that he had received it from another person named Kali Mohan from whom he had not received it. Such a breach of the rules calls for something more than a mere censure. It is perfectly true that no dishonest or corrupt motive is attributed to the Mukhtear. It appears that after having accepted and filed the Mukhtearnama, it occurred to him that he ought to make further enquiry and he put himself in communication with Jaladhar Das and was told by the latter that he had given no instruction to file a Mukhtearnama and that he knew nothing about the suit. Having obtained that information from Jaladhar Das the Mukhtear did take the course which was at that time the proper course and placed the matter before the Court. We cannot, however, pass over

this matter with a mere censure. What strikes us as particularly serious misconduct on the part of the Mukhtear is that he endorsed on the back of the Mukhtearnama the false statement to which we have referred. It is most important that learned and professional gentlemen should set a high standard of honour and integrity to the people about them. On the other hand, we are not disposed in the circumstances to inflict a severe punishment. We think that it will meet the case if following the recommendation of the District Judge we suspend the Mukhtear (Babu Brindaban Chandra Das) from practising for a period of three months.