

(2013) 07 SC CK 0033

In the Supreme Court Of India

Case No : I.A. No. 3 in C.A. No. 1398 of 2005 and in SLP (C) No. 36049 of 2009

Mohammed Israfil

APPELLANT

Vs

Raufunnessa Bibi (D) by Lrs. and Others

RESPONDENT

Date of Decision : 08-07-2013

Acts Referred:

Evidence Act — Section 115 Essential Commodities Act, 1955

Citation : (2013) 8 SCALE 759 : (2014) 1 SCC 582

Hon'ble Judges : Sharad Arvind Bobde, J; Balbir Singh Chauhan, J

Bench : Division Bench

Advocate : Jitendra Mohan Sharma

Final Decision : Disposed Of

Judgement

IA No. 3 in Civil Appeal No. 1398/2005

1. An application for restoration of the appeal has been filed as the matter stood dismissed in default vide order dated 8.3.2013. Many of the contents in the application do not seem to be factually correct. In order to understand the same, we wanted an explanation and clarification from the Advocate-on-Record who has signed the application for restoration. Thus, we have passed over the matter and requested the Advocate-on-Record to come to the Court so that we can seek some clarification from him. When the matter was taken up in the second round, we were informed that the Advocate-on-Record Shri Rameshwar Prasad Goyal refused to come to the Court. However, it has been pointed out that he is the Advocate-on-Record who has filed extremely large number of cases in this Court but he never appears in the Court.

2. In view of the refusal of the Advocate-on-Record to come to the Court, we have no option but to dismiss the application. It is accordingly dismissed.

3. However, his conduct makes it necessary for us to issue a show cause notice to Shri Rameshwar Prasad Goyal. He is hereby issued show cause notice as why his licence as an Advocate-on-Record should not be put under suspension/

cancelled as he never appears in the Court and inspite of our request, he refused to come to the Court. His conduct amounts to interfering with the administration, of justice and results in multiplicity of proceedings. However, being an Advocate-on-Record, he ought to have appreciated that the institution of an Advocate-on-Record is under the statutory rules and an Advocate-on-Record is responsible to the Court and his presence is necessary when the matter is heard for doing justice.

4. He may file his explanation within three weeks.

5. In the facts and circumstances of the case, the Advocate-on-Record Association be also served copy of the order through its Secretary and the said associations' representees, i.e. the President and the Secretary are requested to assist the Court on the next date of listing.

I.A. No. 3 in SLP (C) No. 36049/2009

6. I.A. no. 3 (Appln. for restoration) is allowed.

7. The SLP is restored to its original number. Learned counsel for the petitioner seeks permission to withdraw the special leave petition. Permission is granted. The SLP is dismissed as withdrawn.