
(1919) 08 AHC CK 0015
In the Allahabad High Court

Ram Sarup

APPELLANT

Vs

Tika Ram, Vakil

RESPONDENT

Date of Decision : 12-08-1919

Acts Referred:

Citation : AIR 1919 All 18(2) : 52 Ind. Cas. 638

Hon'ble Judges : Rafique, J;Piggott, J;P.C. Banerji, J

Bench : Full Bench

Judgement

1. This is an application by one Ram Sarup praying that notice be taken of the conduct of Babu Tika Ram, a Vakil of this Court, now practising at Agra, it being alleged that he is guilty of professional misconduct. The misconduct imputed to the Vakil is a violation of Rule 26, Part II, of the High Court Rules. The first paragraph of that rule provides that if an applicant for admission as a practitioner holds any appointment or carries on any trade or other business the High Court may refuse to admit him, or pass such orders on his application as it thinks proper. That paragraph has no bearing on the present case, inasmuch as in the petition before us it is not asserted that at the time when the Vakil applied in 1894 for admission, he was carrying on any trade or business. It is the provision of the second paragraph of the rule which the Vakil is alleged to have contravened. That paragraph requires that any person who, having been admitted as a legal practitioner, shall accept any appointment or shall enter into any trade or other business, shall give notice thereof to the High Court. It is said that this Vakil has, since his enrolment, been carrying on business in grain and other articles and has not given notice of his having entered into such business to this Court. The Vakil has filed an explanation and in this explanation he states that there was a joint family business which used to be carried on from the time of his grandfather, that he and his father and uncle were members of the joint family and that he as a member of that family had an interest in that business. That business, according to his allegation, has long been closed and this is not denied by the applicant. We do not think that the carrying on of a family business, which has been in existence for a long time, may be regarded as

entering into any trade or business within the meaning of the rule. The Vakil has admitted that from time to time he entered into transactions for the sale of grain, salt, cotton, seeds, etc., by way of speculation, but he has not done so habitually. He has mentioned eight instances, seven of which were instances of business carried on in the years 1915, 1916 and 1917. It does not appear that he has habitually or systematically exercised the profession of a trade in addition to his work as a Vakil. We do not think, therefore, that he can be held to have violated the provisions of the rule to which we have referred. We think, however, that it was not proper for him to have entered into the alleged transactions while he was carrying on the business of a Vakil, although those transactions were only isolated ones. We do not think that the fact that he helped his son in borrowing money for the business which his son is alleged to have carried on his own account would amount to a violation of Rule 26. Under those circumstances we are of opinion that further action is not called for in this case. At the same time we think that the Vakil should give an undertaking to the Court that he will not enter into any business or trade without giving notice to the Court and obtaining its permission. Such under-taking has been given to us by Mr. Nehal Chand who appears on behalf of the Vakil and by the Vakil who is himself present in Court. The Rule issued to the Vakil is accordingly discharged.