

In Re: a Mukhatar

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Court : Allahabad

Decided On : Mar-29-1915

Reported in : AIR1915All375(2); 30Ind.Cas.145

Judge : Henry Richards, C.J.,; Knox and; P.C. Banerjee, JJ.

Appellant : In Re: a Mukhatar

Judgement :

1. This matter is connected with a report against a certain Mukhtar, It is said that lie has changed sides in the course of different legal proceedings. In what is admitted to be the strongest case, against him the charge is as follows. Certain persons were accused of an assault upon the servant of a zemindar. The Mukhtar appeared on behalf of one or more of the accused persons in the Appellate Court. Later on the zemindars brought proceedings under Section 145 of the Code of Criminal Procedure. The property, the subject-matter of this application by the zemindars, is said to have been the sumo property a dispute about which led to the alleged assault. It is, therefore, said that the Mukhtar 'changed sides' and was thereby guilty of unprofessional conduct. It must be borne in mind in the first place that when the Mukhtar first appeared it was merely to argue an appeal upon the evidence that was on the record.

2. The question in dispute in the proceedings under Section 145 would be as to who was in possession of the property. It does not necessarily follow that the Mukhtar received any information from his first clients when he was appearing for

them, which could be used to their prejudice when he appeared for the zemindars in the proceedings under Section 145. There is nothing on the record to show that the Mukhtar's first clients offered to employ him in the second case, or that they took any exception to his appearing in the case until the case was actually at hearing. Speaking generally it is quite clear that a professional gentleman should, as far as possible, stick to the side who first employed him. It might be a very good practice if when gentleman were offered instructions in any connected case that they should at least in the first place inform their first client. In the present case it has not been proved to our satisfaction that the Mukhtar has been guilty of any professional misconduct.

3. The Rule is discharged.

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