

In Re: a Pleader

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Court : Chennai

Decided On : Jan-15-1945

Reported in : (1945)1MLJ174

Appellant : In Re: a Pleader

Judgement :

Alfred Henry Lionel Leach, C.J.

1. The respondent is a pleader practising in the district of Bellary. He has been accused of professional misconduct in that he induced a client to sign blank sheets of paper in order that they could be used for the preparation of a plaint, which would then be regarded as having been duly signed and verified by the client. The plaint was filed in the Court of the District Munsiff of Bellary and as the District Munsiff considered that the spacing of the document was such as to indicate that this had happened, he submitted the document to the District Judge who instituted these proceedings against the respondent.

2. We agree with the learned District Judge that it is most objectionable for practitioners to take their clients' signatures on blank sheets of paper. For instance, when this is done in the case of a plaint there can be no proper verification as required by the Code of Civil Procedure. A practitioner who permits this to be done is undoubtedly guilty of unprofessional conduct.

3. The question here is whether the District Judge was justified on a mere perusal of the document in coming to the conclusion that the respondent had prepared the plaint on sheets of paper which his client had signed in blank. Undoubtedly the spacing of the document does give rise to strong suspicion, but suspicion is not sufficient. Both the respondent and the client have given evidence on oath that the client's signatures on the pages of the plaint were written after the document had been prepared. In order to substantiate the charge of professional misconduct there must be evidence in support of it and we do not consider that the fact that the client's signatures appear at the bottom of pages 3 and 4 with considerable spacing above them is in itself sufficient to hold the respondent guilty of the charge preferred against him. The suspicion is strong, but that, as we have said, is not sufficient. There must be something more.

4. In these circumstances we are unable to follow the suggestion of the District Judge that the respondent should be censured and we dismiss the charge. But we may add that if such a charge were proved the Court would be called upon to consider whether a censure would be sufficient punishment for unprofessional conduct of this nature.