

In Re: Raghava Reddi

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Court : Chennai

Decided On : Feb-20-1922

Reported in : AIR1922Mad440; (1922)43MLJ382

Appellant : In Re: Raghava Reddi

Judgement :

ORDER

Walter Salis Schwabe, K.C., C.J.

1. The Chief Justice. In my judgment, this matter is so far concluded by authority that it would not be possible, without a decision of the Privy Council to the contrary, to say that there is power in the High Court of Madras to grant leave to appeal to the Privy Council in a case where an order is made by the Court suspending a Vakil from practice. We have been referred to two cases of the Privy Council : In re Minchin (1850) 4 M.L.A. 220 where, on an appeal taken to the Privy Council from an order of the High Court, acting not under Clause 10 of the Letters Patent but under another clause giving a similar power in other cases, namely, Clause 8, the Privy Council pointed out that, if the appellant came there under the Charter, he had no right to appeal, because by the terms of the Charter, the appeal given is confined to judicial acts, namely, 'judgments or determinations', The same view was expressed a few years earlier in Morgan v. Leech (1841) 2 M.L.A. 434 where the matter came before the Privy Council in respect of the refusal of the High Court of Bombay to admit an attorney and it was held again that it was not a judicial-determination, within the meaning of Clause 39 of the

Letters Patent and that, therefore, it was necessary to give special leave and that no appeal lay unless the Privy Council gave leave. Now, those decisions have been followed in Bombay, Calcutta, Allahabad and Madras, and more recently in Patna, *Bir Kishore Roy v. King Emperor* (1919) 4 P.L.J. p. 423 in a full and considered judgment of Dawson Miller, C.J. sitting with Coutts, J. a judgment with which J agree in every respect but, for the present purpose, it is not necessary to travel outside Madras. In *Ramachandra Aiyar v. The President Vakil's Association*, High Court Madras the Full Bench here held, after full discussion and full argument on the meaning of Clauses 10 and 39 of the Letters Patent, that no leave to appeal to the Privy Council in a disciplinary matter against a Vakil, could be granted by the High Court. I think that we are bound by the decisions of the Privy Council and that we should follow the Full Bench decisions of this Court and the other High Courts, unless we saw very strong reasons to differ from them. So far from finding strong reasons for differing from them, I agree with those decisions.

2. Our disposal of this petition is not on the merits and we do not propose to say anything about the contents of the petition or the facts on which the petitioner bases his claim to obtain leave to appeal to the Privy Council.

Coutts Trotter, J.

3. I entirely agree with my Lord and in so doing believe myself to be acting on the principle underlying the decisions that have been referred to. If they, do not absolutely decide the point they show clearly the trend of their Lordship's opinion.

Kumaraswami Sastry, J.

4. I agree with my Lord the learned Chief Justice and have nothing to add.

Krishnan, J.

5. I also agree and have nothing to add to the judgment of the learned Chief Justice.

Ramesam, J.

6. I also agree with my Lord Chief Justice and have nothing to add.

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