

In Re: U. Gopala Menon

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Court : Chennai

Decided On : Feb-10-1931

Reported in : AIR1931Mad688; (1931)60MLJ588

Appellant : In Re: U. Gopala Menon

Judgement :

ORDER

Jackson, J.

1. This is a petition from a legal practitioner practising in the Court of the District Judge of South Malabar to set aside the order of the District Judge, dated 21st January, 1931, forbidding him to practise pending the receipt from the High Court of his renewed certificate. The petitioner held a certificate for the year 1930 which was to hold good till December 31, 1930. Under Section 7 of the Legal Practitioners Act

at the expiration of such period, the holder of the certificate if he desires to continue to practise, shall, subject to any rules consistent with this Act which may, from time to time, be made by the High Court in this behalf, be entitled to have his certificate renewed by the Judge of the District Court, etc.

The only rule framed in this connection is Rule 13 which provides that pending the receipt of the renewed certificate practitioners may continue to practise subject to such precautions as to identification as the District Judge may think fit to prescribe.

It is therefore clear that the High Court has not delegated to District Judges the power to suspend practitioners pending the receipt of their renewed certificates. Any orders in regard to non-renewal or suspension pending refusal to renew must proceed direct from the High Court. In the circumstances, the order of the learned District Judge cannot be supported and is cancelled.

2. With this view the learned Advocate-General-agrees.

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