

In Re: a Pleader

In Re: a Pleader

SooperKanoon Citation : sooperkanoon.com/783090

Court : Chennai

Decided On : Jan-17-1944

Reported in : AIR1944Mad244

Appellant : In Re: a Pleader

Judgement :

Leach, C.J.

1. The respondent is a pleader practising at Palni. Rule. 11 of the rules framed under the Legal Practitioners' Act requires that an application for renewal of a certificate must be made through the Judge presiding over the Court in which the pleader ordinarily practises and unless the High Court or the Registrar otherwise orders should be made not later than 15th November. If the application for renewal is made by that date the practice has been to allow the pleader to appear in cases pending the issue to him of the sanad. In this case the respondent did not apply for the renewal of his sanad in respect of the year 1943 until 31st December 1942 and on 15th January 1943, before the sanad had been renewed, he filed a memorandum of appearance in a case before the Sub-Magistrate of Palni. The certificate was subsequently issued and in accordance with the practice was dated 1st January 1943.

2. As the pleader had not complied with Rule 11 he had no right to appear in a case until his sanad had actually been renewed and in these circumstances this Court directed that proceedings be instituted against the respondent. In

accordance with this order the Sub-Magistrate instituted proceedings and after he had heard what the pleader had to say, directed the matter to be dropped. His reason for adopting this course was that he was under the impression that the High Court had condoned the delay on the part of the pleader in applying for the renewal of his sanad. This was not the case. It is obvious that in appearing on 15th January 1943 in the case before the Sub-Magistrate, he rendered himself liable to punishment under Section 32, Legal Practitioners' Act. The respondent is a pleader of 27 years standing and his conduct hitherto has given no cause for complaint. An apology has been made on his behalf and in these circumstances we will not inflict a fine. The respondent is, however, censured for his conduct.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com