

In Re: a Pleader

In Re: a Pleader

SooperKanoon Citation : sooperkanoon.com/783386

Court : Chennai

Decided On : Jan-31-1944

Reported in : AIR1944Mad268

Appellant : In Re: a Pleader

Judgement :

Leach, C.J.

1. The respondent is a pleader practising at Vellore. Five charges of professional misconduct were framed against him; and later three additional charges. These have been investigated by the Subordinate Judge of Vellore with whose report the District Judge has concurred. The Subordinate Judge has found in favour of the respondent on the first five charges and on charge 1 (b) of the additional charges. He has found against him on charge 1 (a) and charge 2 of the additional charges.

2. The Subordinate Judge has carefully considered the evidence and we concur in his findings. The correctness of the findings which are against the respondent is not challenged by the learned Counsel who appears on his behalf. There can be no doubt on the evidence that these charges have been fully substantiated.

3. Charge 1(a) has reference to a statement made in a plaint drafted by the respondent and filed in S. C. S. No. 93 of 1936 of the Court of the Subordinate Judge of Vellore, The suit was on a promissory note. The plaintiff was the benamidar of the real owner of the note. It was indorsed to the plaintiff without

consideration for the purpose of enabling him to sue upon it. Although the respondent knew that the note had been merely indorsed for collection he inserted in the plaint a statement that the instrument had been indorsed to the plaintiff for good consideration. It is a very serious matter for a legal practitioner knowingly to make a false statement in a pleading drafted by him. The District Judge has suggested that a fitting punishment would be the suspension of the respondent for a period of one month. We consider that his offence is of such a nature that the suspension should be for a longer period. On this charge we direct that he be suspended from practice for a period of three months.

4. The second charge found against the respondent is in respect of a fee certificate which he had filed in S. C. S. No. 93 of 1936. The certificate stated that he had received from his client Rs. 20. This was untrue. On the respondent's behalf it has been pointed out that this took place in 1937, before the judgment of this Court in *In Re: S. a pleader* : AIR1941 Mad905 was published. This offence is not a light one, but in the circumstances we will inflict the same penalty as was inflicted in that case, namely, suspension for one month. This period will run concurrently with the suspension ordered in respect of charge 1 (a).