

MANU/BH/0130/1929

**Equivalent Citation:** AIR1929Pat338, 115Ind. Cas.673, 115Ind. Cas.673

**IN THE HIGH COURT OF PATNA  
SPECIAL BENCH**

Decided On: 05.03.1929

Appellants:**In Re: B.A. Pleader**

**Hon'ble Judges/Coram:**

*Courtney Terrell , C.J., Robert Lindsay Ross and Kulwant Sahay , JJ.*

**ORDER**

1. This is a reference made by the District Judge of Manbhum-Sambalpur concerning the conduct of a Pleader practising in his Court. The circumstances out of which the complaint arose were as follows: On the 25th May, 1927, a certain plaintiff commenced a suit against a wealthy zemindar of the neighbourhood in respect of an account for work which had been done by the plaintiff for the defendant and at his request. The defendant put in a written statement denying the claim and the case was put down for hearing on the 4th September, 1928. There was, however, a talk of compromise and the case was adjourned for that purpose to the following day when the plaintiff's case was opened and he produced and exhibited a certain letter which purported to have been signed by the defendant and which, if genuine, would have put the defendant out of Court. After production of the letter a compromise was again suggested and accordingly the case was adjourned until the following 10th September. That date was fixed not only to give the parties time for the compromise but because the 6th and 7th were holidays, the 8th the Court was concerned with other business and the 9th was a Sunday.

2. On the 7th the zemindar who had a reluctance, which we are told is characteristic of people in his position, to appear before the Court wished to see the document which he was alleged by the plaintiff to have signed. The Pleader accordingly went to the peshkar in whose custody the document was and asked to be allowed to see it and to take it to his own house for inspection by his client. The peshkar for some time resisted the invitation to part with the document but the Pleader assured him that nothing wrong was intended; it was not intended, to tamper with the document in the slightest degree and all that was required was that his client should be able to inspect the document, ascertain whether it was genuine, and if he found it to be genuine he intended to compromise the case.; It is not suggested that the Pleader either intended to tamper with the document or allow it to be tampered with or in fact to do anything wrong in relation, to the document but required it honestly for the purpose of his client's inspection. The peshkar at length and after considerable pressure by the Pleader agreed that the document should be inspected and himself took it from the records to the house of the Pleader where it was inspected by the client. On the following day the defendant virtually admitted the plaintiff's case and submitted to a judgment of compromise.

3. Now the Pleader has made a very frank and full admission of the whole of the circumstances. He is a gentleman who has been practising for a considerable number of years and is in the opinion of the District Judge a thoroughly respected and respectable practitioner. It must be understood that it is perfectly clear from the

circumstances of the case that nothing in the shape of dishonesty or bad intention can be imputed to the Pleader. Nevertheless he did induce the peshkar and induced him with some pressure to depart from the course of his duty. There is not the slightest indication that he offered the peshkar any improper inducement and it is clear that he informed the peshkar quite distinctly that the only purpose of wanting the document was to enable the defendant, his client, to inspect it. It is also clear that throughout the whole transaction it was the peshkar who remained in custody of the document and that the peshkar did not part with the custody of the document either to the Pleader or to his client. In the circumstances we do not feel disposed to impose any penalty upon the Pleader who is clearly to be acquitted of any dishonourable intention but we desire to draw attention in the strongest possible manner to the fact that a Pleader by virtue of his position is an officer of the Court and it is his duty to protect all minor officials of the Court from any temptation to depart from their duty which is the foundation of their employment and upon it their livelihood depends and we must strongly deprecate any such conduct on the part of any legal practitioner. We desire to emphasise the fact that nothing beyond this departure that I have indicated from professional etiquette and conduct is to be imputed to this Pleader. His personal character remains quite unsullied. We shall, therefore, impose no penalty and make no further order in the matter.

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