

**ORDER ON IA No.XII**

The counsel for proposed plaintiff has filed IA.No.12 U/Sec.151 of CPC seeking to stay the acceptance of vakalath of Smt Rajkumari.D.K until the adjudication/ disposal of complaint filed before the Disciplinary Committee of the Karnataka State Bar Counsel.

**2.** In the accompanying affidavit it is stated that, on 05.07.2024 this case was posted for orders on memo and hearing on pending interim applications. On the same day Smt.Rajakumari D.K., advocate has filed vakalath for Sri Vidya Educational Trust. It is further stated that, though she was informed about the stage and the entire background of the litigation she insisted on filing her vakalath without NOC. Aggrieved by this the advocate for proposed plaintiff has filed a complaint against Smt.Rajakumari D.K. before the Hon'ble Disciplinary Committee of the Karnataka State Bar Council at Bengaluru on 15.07.2024. The advocate has filed vakalath without NOC and without following due process of law. If she represents the plaintiff during pendency of complaint before the Hon'ble Disciplinary Committee, it would lead to irreparable hardship to him. Hence prays to allow the application.

**3.** The counsel for proposed defendant has filed written arguments with the following citations:

1. *M. Poornachandran & Another V/s State of Tamil Nadu & Ors reported in AIR 1997 SC 1285.*

2. *Smt. Bhagya V/s Smt.Jayalakshmi reported in AIR 2019 Karnataka High Court 133.*

**4.** Heard the counsel for plaintiff and perused the application.

**5.** In IA No.12 the counsel for proposed plaintiff is seeking stay for acceptance of vakalath of Smt. Rajakumari D.K, enrolment No.KAR.No.3590/2008 filed for the plaintiff on 05.07.2024. The above advocate has filed vakalath for plaintiff without obtaining NOC from previous counsel i.e., counsel for proposed plaintiff. As per submission

of both counsel the application the proceedings before the Disciplinary Committee of Karnataka State Bar Council at Bengaluru is still pending. The counsel for plaintiff argued that till disposal of Disciplinary Committee proceedings it will not binding on her from filing vakalath.

**6.** After hearing both counsel and on perusal of materials perused, this court is of the opinion that the relief prayed in IA.No.12 is not fallen within the ambit of jurisdiction of civil court. The counsel for proposed plaintiff has to question his termination of vakalath before the appropriate authority. Moreover if court has to stay the acceptance of vakalath of any advocates, there must be orders from Disciplinary Committees of concerned Bar counsel in that regard. In this application the issue is between the counsel for plaintiff and the counsel for proposed plaintiff. Without the order of Disciplinary Committee this court cannot stay the acceptance of vakalath. Moreover this court has no jurisdiction to entertain such applications. Accordingly, IA No.12 filed by the counsel for proposed plaintiff is dismissed.

For hearing on IA No.7 and 8 by: 08.10.2025.

Sd/-  
**III Addl. C.J. & JMFC,**  
**Channarayapatna**