

40 12.02.2021

Ct. No. 02

akd

S.A. 696 of 1988

With

CAN 2 of 2018 (Old no. CAN 612 of 2018)

CAN 3 of 2018 (Old no. CAN 614 of 2018)

CAN 5 of 2020

Abdul Karim

Vs.

Mosammat Mahamuda Begum (widow) & Ors.

Mr. Abhimanyu Bannerjee.

... for the appellant.

Re: CAN 5 of 2020

This is an application at the behest of a practicing member of the Bar seeking regularization of his appointment made by the sole appellant.

The said application is misconceived and is hereby dismissed.

However, we find that the appellant had engaged the present lawyer, who submits that the instant appeal was filed by Mr. Arun Kishore Dasgupta, who stated to have died in the meantime.

The moment a lawyer, who filed the Vakalatnama, died, the authority of the appellant cannot remain binding on him, as the lawyer merely acts as an agent and in absence of the agent there is no necessity for seeking regularization of the appointment made by the appellant to another Advocate.

The Vakalatnama executed by the appellant appears to have been annexed with the application, being CAN 3 of 2018 (Old no. CAN 614 of 2018). Let such Vakalatnama be detached therefrom and made part of the instant record.

There is no difficulty in representing the appellant by the newly appointed Advocate after the

demise of the erstwhile Advocate on record.

Office is, therefore, directed not to create any obstacle or hurdle in recording that there is an adequate representation of the appellant by a newly appointed Advocate.

Let the application, being CAN 3 of 2018 (Old no. CAN 614 of 2018), be listed after two weeks.

In the meantime the appellant shall serve copy of the said application upon the respondents.

(Harish Tandon, J.)

(Kausik Chanda, J.)