

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3974 OF 2001

ESHER SINGH

Appellant (s)

VERSUS

B. VEERABHADRA RAO

Respondent(s)

ORDER

This appeal has been filed by the appellant under Section 38 of the Advocates Act, 1961 read with Order V Rule I of the Supreme Court Rules, 1966 against the final judgment and order dated 15.10.2000 passed by the Disciplinary Committee of the Bar Council of India in D.C. Appeal No.27 of 2000.

We have heard learned counsel for the parties.

During the course of hearing, counsel for the parties pointed out the order dated 30.6.2000, which reads as under:-

"Case called. Complainant and his counsel present and filed counter to the application dated 23.6.2000 filed by the respondent. The complainant filed an application for further adjournment of the case on the ground that C.W. 3 has gone to Madras to argue appeals before Company Law Board and that as such he is unable to give evidence today. As evident from the docket sheet on the two previous occasions, we have adjourned the case on the request of the complainant on the ground that C.W. 3 met with an accident and that he was unable to present before the Committee for giving evidence. Having already taken time twice, there is no justification for the complainant to seek further time and in any event we are not satisfied with the reason given for C.W.3's absence even on the third occasion. Hence, the application is rejected and the

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evidence is closed.

Respondent's counsel present. Arguments heard. Both parties offered to file written arguments by 3rd July, 2000. Orders reserved."

The aforesaid order has been signed only by the Chairman and one Member and the other Member constituting the Disciplinary Committee has not signed the order. Thereafter, the Bar Council of the State of Andhra Pradesh, Disciplinary Committee No. III passed the order on 8.7.2000 by which it suspended the respondent B. Veerabhadra Rao for a period of two years and the complaint was

accordingly allowed with costs which was quantified at Rs.5,000/-.

Against that order appeal was preferred before Disciplinary Committee of the Bar Council of India. The appeal filed by the respondent herein B. Veerabhadra Rao was accepted by the Bar Council of India vide order dated 15.10.2000 and the order dated 8.7.2000 passed by the Disciplinary Committee of the Bar Council of the State of Andhra Pradesh was set aside. The cost of Rs.5,000/- imposed upon the respondent was revoked and suspension of the respondent for two years was also quashed.

In view of the fundamental infirmity in the order dated 30.6.2000 passed by the Disciplinary Committee of the Bar Council of the State of Andhra Pradesh where Chairman and only one Member participated, therefore, we are constrained to set aside the orders dated 30.6.2000, 8.7.2000 and order dated 15.10.2000 are set aside.

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Consequently, the case is remitted to the Disciplinary Committee of the Bar Council of the State of Andhra Pradesh with a direction to constitute a Disciplinary Committee as envisaged under Section 9 of the Advocates Act, 1961 for hearing and the case be heard and decided.

The Disciplinary Committee of the Bar Council of the State of Andhra Pradesh would start proceedings in the matter after proceedings of 26.6.2000. The appeal is, accordingly, disposed of. The parties are directed to bear their own costs.

.....J.
(Dalveer Bhandari)

.....J.
(Harjit Singh Bedi)

New Delhi;
January 22, 2009.

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ITEM NO.113

COURT NO.9

SECTION IIIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 3974 OF 2001

ESHER SINGH

Appellant (s)

VERSUS

B. VEERABHADRA RAO

Respondent(s)

(With appln(s) for ex-Parte stay and office report)

Date: 22/01/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE HARJIT SINGH BEDI

For Appellant(s) Mr. A.K. Pandey, Adv.

Mr. Sudhanshu Saran, Adv.
Mrs. Shalini Chandra, Adv.
Ms. Ranjana Narayan, Adv.
Mr. Rajesh Prasad Singh, Adv.

For Respondent(s)

Mr. Mahabir Singh, Sr. Adv.
Ms. K. Radha Rani, Adv.
Mr. P. Vijaya Kumar, Adv.
Mr. R. Santhana Krishnan, Adv.
Mr. Nikhil Jain, Adv.
Mr. D. Mahesh Babu, Adv.
Mr. C.S.N. Mohan Rao, Adv.

UPON hearing counsel the Court made the following

ORDER

The appeal is disposed of in terms of the signed order. The parties are directed to bear their own costs.

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(K.K. Chawla)
AR-Cum-PS

(Neeru Bala Vij)
Court Master

[Signed order is placed on the file]