

ITEM NO.110

COURT NO.8

SECTION IIIA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 7174 OF 2000

KRISHNA KUMAR MITTAL

Appellant (s)

VERSUS

PARMESHWAR DAYAL GUPTA

Respondent(s)

(With office report)

Date: 17/02/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

HON'BLE MR. JUSTICE G.P. MATHUR

For Appellant(s) Mr. HA. Raichura, Adv.

Mr. SP. Singh Rathore, Adv.

Mr. Varinder Kumar Sharma, Adv.

For Respondent(s) Mr. Pravir Kumar Jain, Adv.

Mr. Meraj, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is dismissed in terms of the signed order.

(S. Thapar)
PS to Registrar

(Shelly Sengupta)
Court Master

The signed order is placed on the file.

-2-

-3-

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7174 OF 2000

Krishna Kumar Mittal
(s)

Appellant

Versus

Parmeshwar Dayal Gupta
Respondent (s)

O R D E R

Heard learned counsel appearing for the parties.

This appeal arises out of a complaint made by the appellant against the respondent

to the Bar Council. The respondent was engaged as an advocate in his previous litigation. The

allegation made is that the respondent, after number of years in respect of the same litigation of

the same property, appeared as an advocate for the opposite party. According to the

complainant, this was an act of professional misconduct by changing sides.

The matter was taken up by the Bar Council which, after hearing the complainant

and the advocate, did not consider it a fit case for taking any disciplinary action. The advocate

initially tried to justify his act of representing the opposite party in second case which arose after

more than ten years from the previous litigation. It is pointed out on behalf of the advocate

that after the

complainant objected to the appearance of the advocate for the opposite party, the advocate

withdrew himself from the case. The Bar Council, on the above facts had exonerated the

advocate holding that there was no professional misconduct as to deserve any disciplinary

action.

-4-

After hearing learned counsel, we find no ground to take a view different from the

one taken by the Bar Council.

The appeal is dismissed.

.....J

(D.M. DHARMADHIKARI)

.....J

(G.P. MATHUR)

New Delhi,

February 17, 2005