

SUPREME COURT OF INDIA

Rajiv Kochar

Vs.

R.S. Sharma

(Dr.A S. Anand, R.C. Lahoti and K.G. Balakrishnan JJ.)

10.08.2000

ORDER

C.A. No. 5094/98

1. The appellant and respondents had entered into a partnership amongst themselves and were practising as Advocates. The arrangement was to share fees between themselves. The partnership had started functioning somewhere in 1988, but in about five years, some disputes and differences appear to have arisen between them, with the result that the respondents are alleged to have removed some files from the chamber where they used to practice together into their own chamber without consent of or information to the appellant. Even the clients were not informed. The appellant filed a complaint before the Bar Council of Delhi making various allegations, which ultimately got transferred to the Bar Council of India and was decided by it. The parties led no oral evidence before the Bar Council of India. The Disciplinary Committee of the Bar Council of India, vide its order dated 11th December, 1997, while disposing of the appeal, issued the following directions:

In the circumstances, we direct the complainant and the respondents to jointly inform the clients in the pending cases of the period during which the cases were booked i.e. the period from December 1988 to January 1993 and to obtain the clients' specific willingness within two months from the date of the order and to conduct the cases after obtaining their specific instructions in writing. The complainant or the respondents should not retain the briefs without the consent of the clients and .. no harassment should be caused to the clients.

2. We are informed that these directions have been complied with by the parties.

3. The Disciplinary Committee of the Bar Council of India after taking all facts and circumstances into consideration, reprimanded the conduct of the respondent-Advocates for the act committed by them and in view of the time that had elapsed between the alleged removal of files etc. and the date when the Bar Council of India made the order, declined to pass any order of suspension of the respondents' license to practice. Hence this appeal.

4. We have heard learned Counsel for the parties and examined the record.

5. In the admitted facts of the case and keeping in view the peculiar circumstances of differences having arisen between the partners, who were practising together as advocates, it appears to us that the punishment of reprimand imposed by the Bar Council of India on the respondent-Advocates, cannot be said to be so grossly perverse or unreasonable as to require our interference at this stage to enhance the punishment. We, consequently, uphold the order of the Bar Council of India dated 11th December, 1997 and dismiss this appeal. No costs.

C.A. No. 6062/1999

6. This appeal is a cross appeal. It was filed 560 days beyond the period of limitation. In the application seeking condonation of delay, the explanation for delay is neither reasonable nor satisfactory. We, accordingly, do not condone the delay and dismiss the application seeking condonation of delay. Consequently, this appeal stands dismissed as barred by time. No costs.