

**SUPREME COURT OF INDIA**

Pravin C. Shah

Vs.

K.A. Mohammed Ali

Review Petition (Civil) No.67/2002

(S. N. Variava and A. K. Mathur JJ.)

16.08.2004

**ORDER**

1. These review petitions had been kept pending for the decision in Writ Petition No. 52 of 2002 which had been filed challenging the vires of Rule 11 of the Kerala High Court Rules. That Writ Petition has now been disposed of by a judgment of this Court reported in. The validity of that Rule has been upheld. In that judgment reliance has been placed upon a decision of a Constitution Bench of this Court in the case of *Ex-Capt. Harish Uppal v. Union of India reported in*<sup>1</sup>. It has been pointed out that there is a difference between the disciplinary powers of the Bar Council of India and the powers of the Courts to monitor appearance before it. In view of the decisions of this Court, in both the above mentioned cases, we see no reason to review the earlier judgment. We, however, clarify that the observations made in first paragraph to the effect that the Bar Council of India did not respond to the notice is only a statement of fact and does not imply failure of duty to appear on part of Bar Council of India.

The Review Petitions accordingly stand dismissed.

<sup>1</sup>2004 5 SCALE 232