

SUPREME COURT OF INDIA

B. Veerabhadra Rao

Vs.

P. Dayanand

C.A.No.2929 of 2002

(B.N. Agrawal and G.S. Singhvi JJ)

25.03.2009

ORDER

1. Heard learned counsel for the parties.

2. By the impugned order, the Bar Council of India held that the appellants have acted in violation of Rule 22 of Chapter II of Part VI of the Bar Council of India Rules [hereinafter referred to as "the Rules"] and suspended them from practicing as lawyers for a period of five years.

3. Rule 22 of the Rules reads thus:

“An Advocate shall not, directly or indirectly, bid for or purchase, either in his own name or in any other name, for his own benefit or for the benefit of any other person, and property sold in the execution of a decree or order in any suit, appeal or other proceeding in which he was in any way professionally engaged.”

4. The above reproduced rule contains a negative injunction against the advocates in the matter of giving bid or purchasing any property sold in the execution of a decree or order in any suit, appeal or any other proceeding in which they are in any way professionally engaged. In terms of this rule, an advocate cannot directly or indirectly give bid or purchase property sold in the execution by a decree etc. either in his own name or in any other name for his own benefit or for the benefit of any other person.

5. The allegation made in the complaint filed by the respondent was that while they were representing Smt. Yellamma in the litigation filed by her against Green Fields Plot Owners Association, the appellants persuaded him to enter into an agreement in partnership with their minor son and wife respectively for purchase of the land belonging to Smt. Yellamma and others and then settled the matter between Smt. Yellamma and others on the one hand and Green Fields Plot Owners Association on the other and in this manner his cause was adversely affected.

6. In our view, the aforementioned allegations cannot, by any stretch of imagination, constitute an act prohibited by Rule 22. Indeed, it is not even the respondent's case that the appellants submitted any bid or they tried to purchase any property sold in the execution of a decree or order in a suit, appeal or other proceeding in which they were professionally engaged. Therefore, the finding recorded by the Bar Council of India that the appellants are guilty of violating Rule 22 of the Rules cannot be sustained.

7. Accordingly, the appeal is allowed and the impugned order passed by the Bar Council of India is set aside.

No costs.