

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.1009/2013

HARMANBHAI UMEDBHAI PATEL

Appellant(s)

VERSUS

BINDU KUMAR MOHANLAL SHAH, ADVOCATE

Respondent(s)

O R D E R

The appellant filed a suit for declaration of Revenue Survey No.590 at Village Ankodia as gaucher land on 16.8.2001. Thereafter, on 23.12.2003, the defendant in the suit executed a sale deed of the land in Revenue Survey No.590 at Village Ankodia in favour of Prajapati Brothers.

The appellant filed another suit challenging the sale deed dated 23.12.2003. A public notice was issued by the appellant on 13.3.2010 in which it was mentioned that the appellant has taken steps for declaring the land in Revenue Survey No.590 at Village Ankodia as gaucher land. It was mentioned in the public notice that the purchaser of the land in Revenue Survey No.590 at Village Ankodia had commenced construction illegally.

The respondent, who was the advocate appearing for

the defendant in the suit issued a public notice on 17.3.2010 stating that Mr. Vithalbhai Babarbai Patel was declared as the owner of the land in Revenue Survey No.590 at Village Ankodia.

A complaint was filed by the appellant against the respondent alleging professional misconduct. The complaint was transferred to the Bar Council of India. The Disciplinary Committee of the Bar Council of India by an order dated 16.11.2012 dismissed the complaint. This appeal has been preferred against the Order dated 16.11.2012 passed by the Disciplinary Committee of the Bar Council of India.

Mr. Manoj Swarup, learned senior counsel appearing for the appellant has submitted that the respondent issued a public notice which has misled the public about the nature of title of the property. He urged that an advocate has not only a duty to his client but to the Court and society as well. He relied upon the judgments of this Court reported in 2001 (2) SCC 221 titled *D.P. Chadha versus Triyugi Narain Mishra & Ors.* and 2016 (6) SCC 1 titled *State of Punjab and Anr. Versus Brijeshwar Singh Chahal and Anr.* to submit that the Disciplinary Committee of the Bar Council of India committed an error in dismissing the complaint filed by the appellant.

We have perused the public notice dated 17.3.2010 issued by the respondent. We are in agreement

with the Disciplinary Committee of the Bar Council of India that the appellant failed to prove any professional misconduct on the part of the respondent. Though the respondent-advocate did not mention the name of his client in the public notice, the Disciplinary Committee of the Bar Council of India was right in holding that the respondent did not commit any moral turpitude amounting to any professional misconduct.

In view of the aforesaid, we uphold the order dated 16.11.2012 passed by the Disciplinary Committee of the Bar Council of India. The appeal is dismissed.

The appellant deposited Rs.20,000/- towards costs imposed by the High Court. The amount with interest shall be released to the respondent.

Pending application(s), if any, shall stand disposed of.

.....J
(L.NAGESWARA RAO)

.....J
(HEMANT GUPTA)

.....J
(S. RAVINDRA BHAT)

NEW DELHI;
15th July, 2020.

ITEM NO.101

Virtual Court 7

SECTION XVII

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

Civil Appeal No(s).1009/2013

HARMANBHAI UMEDBHAI PATEL

Appellant(s)

VERSUS

BINDU KUMAR MOHANLAL SHAH ADVOCATE

Respondent(s)

IA No.1/2013 - EX-PARTE STAY)

Date : 15-07-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Appellant(s)

Mr. Manoj Swarup, Sr. Adv.
Mr. Dharmendra Parikh, Adv.
Juliya S. Mekwan, Adv.
Neelmani Pant, Adv.
Ms. Vidisha Swarup, Adv
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s)

Mr. D.N. Ray, Adv.
Mr. Lokesh Kumar Chaudhary, Adv.
Mr. Dilip Kumar Nayak, Adv.
Ms. Disha Ray, Adv.
Mrs. Sumita Ray, AOR

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the Signed
Order.

Pending application(s), if any, shall stand
disposed of.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master

(Signed Order is placed on the file)