

## ORIGINAL CIVIL.

Before Lord-Williams J.

*In re* GOPALCHANDRA SINGHA.\*

1930

June 13.

*Fee—Junior counsel—Taxation rules—English rule.*

The amount of fees allowed to junior counsel must be adjusted by the Taxing Officer according to two-thirds of the amount allowed to senior counsel.

## APPLICATION.

This was an application by the plaintiff to review the decision of the Officiating Taxing Officer of the High Court relating to the fees allowed to counsel. The Taxing Officer had allowed for the junior counsel's fees an amount which was not two-thirds of what was allowed for the senior counsel. Against this decision the present appeal to the interlocutory judge was taken.

*N. N. Bose* for the plaintiff applicant.

*S. C. Roy* for the executors.

LORD-WILLIAMS J. With regard to counsel's fees, I do not propose to interfere with the decision of the Taxing Officer upon the question what amount of fees should be allowed to leading counsel, having regard to the size and importance of the case. He has come to the conclusion that the fee which he has allowed is a proper fee, having regard to these circumstances. The fees allowed to the other side were on the basis of the scale between attorney and client and, therefore, are no criterion.

But with regard to the fees allowed to junior counsel, they have not been allowed upon the basis of the two-thirds rule, which is customary in England. I am told that there is no such recognised rule of proportion in this country, but that it is customary for the Taxing Officer, as I understand it, to assess the market value of junior counsel engaged in the case.

\*Application in Suit No. 759 of 1928.

1930

In re *Gopal  
Chandra  
Singha.*

*Lord-  
Williams J.*

Upon what basis he proceeds to make this assessment I am not informed, and I am at a loss to imagine, but, in my opinion, it is a most undesirable practice, and, in circumstances which might arise having regard to conditions existing in this country to which one cannot shut one's eyes, it might lead to most undesirable results. It is much safer that some sort of recognised scale should be adopted by the Taxing Officers. Whether the profession in general adopt and abide by the two-thirds rule or not is immaterial. The only thing which is necessary is that the Taxing Officers should have some rule to guide them, and, in my opinion, the most practical rule is the one which has been adopted for many years, which is well recognised and which has been in force in both the English and Irish courts. For these reasons, the amounts allowed for junior counsel must be adjusted according to the two-thirds scale.

Attorney for applicant: *S. K. Dutt.*

Attorneys for executors: *K. K. Dutt & Co.*

O. U. A.