

APPELLATE CIVIL.

Before Sir Arnold White, Chief Justice, and Mr. Justice Moore.

IN THE MATTER OF A PLEADER.

1902.
September
17.

Legal Practitioners Act—XVIII of 1879, s. 13—“Other reasonable cause” for suspending a pleader—Writing an anonymous letter to influence.

A pleader wrote a letter, which he did not sign, to an officer who was conducting an enquiry into a charge of bribery against a Revenue Inspector, the letter containing allegations which were intended to prejudice the mind of the officer in connection with the matter which he was investigating. On a charge being preferred against the pleader under the Legal Practitioners Act :

Held, that these facts showed “other reasonable cause” for suspending the pleader, within the meaning of section 13 (cl. f) of the Act.

In the matter of Purna Chundar Pal Mukhtar, (I.L.R., 27 Cal., 1023), followed.

CHARGE under section 14 of the Legal Practitioners Act. While certain Revenue Inspectors were deciding claims for the remission of land assessment in the District of North Arcot, a complaint of fraud and bribery was made against certain officers, and an enquiry was made by the Sub-Collector into that charge. On the day upon which the parties were summoned to attend this enquiry the Sub-Collector received the following anonymous communication :—

“Dwi Shari Remission Fraud.

SIR,—Many of the witnesses summoned in the case will tell the truth. Apparently Sudarsana Chariar, Vedanta Chariar, Appakuti Narasim Chari and Iya Venkata Chariar feel delicacy in disclosing the facts. If they are threatened a little bit, truth will out. The first two held in deposit the contributions collected for the payment of the Revenue Inspector on behalf of the village officers. A huge fraud on the Government.

6th March 1901, }
VELLORE. }

I remain, Sir,
One of the witnesses in the case.”

The communication bore no signature, and the Collector ascertained that it was in the handwriting of the pleader now charged. A notice was issued to the pleader to explain, and an enquiry was

* Case stated under section 14 of Act XVIII of 1879 by the Sub-Collector of North Arcot through the Collector of North Arcot in his letter dated 11th February 1902, Dis. No. 259-Rev. of 1902, referring for the orders of the High Court the conduct of the defendant herein (Referred Case No. 4 of 1902).

held under section 14 of the Legal Practitioners Act. The pleader then explained that on the morning on which the letter had been written two persons whom he had known since his boyhood had asked him to draft a letter in English, giving him all the facts and expressing the intention of seeing the Sub-Collector, and stating that the letter contained material suggestions which were calculated to help the Sub-Collector in his enquiry and that it was intended that it should be signed before despatch. The pleader complied with the request and contended that his assistance had been merely clerical; that the act had not been done in the discharge of professional duty, and did not come within the Legal Practitioners Act. He cited *In the matter of a First-grade Pleader*(1). The Collector, in forwarding the result of this enquiry (which had been held by another Sub-Collector), submitted that the charge against the pleader was that he had written an anonymous petition in order to influence the Sub-Collector in a revenue enquiry which he was holding. The recommendation was that the pleader's certificate be suspended for a month.

Sivasami Ayyar for the Pleadership Examination Board.

C. Sankaran Nayar and *V. V. Srinivasa Ayyangar* for the pleader.

ORDER.—On a careful consideration of the evidence we think it is clear that the pleader meant that the letter should reach the hands of the Sub-Collector as an anonymous letter and we think he aggravated his original offence by attempting to make out that he intended the letter to be signed by his clients, and that he thought it was going to be so signed before it was despatched to the Sub-Collector.

On the other hand, the pleader's conduct in making no attempt to conceal the fact that the letter was written and sent by him, although it purports to have been written by "one of the witnesses in the case," seems to show that he entirely failed to appreciate the impropriety of his act.

The evidence establishes that the pleader wrote a letter, which he did not sign, to an officer who was conducting an inquiry into a charge of bribery against a Revenue Inspector in which letter he made allegations which were intended to prejudice the mind of the officer in connection with the matter which he was investigating.

(1) I.L.B., 24 Mad., 17.

IN THE
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We are prepared to accept the interpretation of clause (f) of section 13 of the Legal Practitioners Act (XVIII of 1879) which was adopted by the Calcutta High Court in *In the Matter of Purna Chundur Pal Mukhtar*(1) and we think the facts in the present case show "other reasonable cause" for suspending or dismissing a pleader within the meaning of this clause.

In all the circumstances we think a suspension of the certificate for one month will meet the requirements of the case and we make an order accordingly.

APPELLATE CIVIL.

Before Mr. Justice Benson and Mr. Justice Bhashyam Ayyangar.

1902.
September
17.

NETI RAMA JOGIAH AND THREE OTHERS (PLAINTIFFS), APPELLANTS,

v.

VENKATACHARULU AND THREE OTHERS (DEFENDANTS),
RESPONDENTS.*

Civil Procedure Code—Act XIV of 1882, s. 539—Suit for declaration that the defendants were not dharmakartas of certain temples and for the appointment of trustees—No claim for temple property—Specific Relief Act—I of 1877, s. 42—Maintainability.

A suit for the appointment of new trustees to a temple on the ground that the defendants are not the lawful trustees and that the trusteeships are therefore vacant, is a suit under section 539 (a) of the Code of Civil Procedure, being comprised in the words "whenever the direction of the Court is deemed necessary for the administration of such trust."

Dishen Chand Esarut v. Syed Nadir Hossein, (I.R., 15 I.A., 10), relied on.

Such a suit is not invalid under section 42 of the Specific Relief Act, by reason of the fact that no consequential relief is claimed, even if there be temple properties in the possession of the defendants as dharmakartas. Where a suit is maintainable under section 539 of the Code of Civil Procedure and the plaintiff seeks the relief specified in that section, section 42 of the Specific Relief Act does not apply.

Strinivasa Ayyangar v. Strinivasa Swami, (I.L.R., 16 Mad., 31), distinguished. New trustees appointed under clause (a) of section 539 will be entitled to

(1) I.L.R., 27 Calc., 1028.

* Appeal Suit No. 3 of 1901 presented against the decree of J. H. Munro, District Judge of Godavari, in Original Suit No. 33 of 1900.