

## APPELLATE CIVIL.

*Before Mr. Justice Jackson.*

IN RE U. GOPALA MENON (PETITIONER).\*

1931,  
February 10.

*Legal Practitioners Act (XVIII of 1879), sec. 7 and r. 13 of rules framed under Act—Renewed certificate—Receipt from High Court of—Forbidding of practitioner to practise pending—District Judge's power as to.*

A District Judge has no power to forbid a legal practitioner to practise pending the receipt from the High Court of his renewed certificate. Any orders in regard to non-renewal or suspension pending refusal to renew must proceed direct from the High Court.

PETITION praying that in the circumstances stated in the affidavit filed therewith the High Court may be pleased to permit the petitioner therein to practise as a pleader in the District Court of South Malabar and in other Courts to which his certificate of pleadership extended, pending final orders of the High Court on his application for the renewal of his certificate for the year 1931, and to cancel the order of the said District Court of South Malabar, dated 21st January 1931, and made in his Proceedings D. No. 134-A of 1931.

*S. Duraiswami Ayyar* for *P. Govinda Menon* for petitioner.

*Advocate-General (A. Krishnaswami Ayyar)* pursuant to notice issued by Court.

## JUDGMENT.

This is a petition from a legal practitioner practising in the Court of the District Judge of South Malabar to set aside the order of the District Judge, dated 21st January 1931, forbidding him to practise pending the

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\* Civil Miscellaneous Petition No. 531 of 1931.

receipt from the High Court of his renewed certificate. The petitioner held a certificate for the year 1930 which was to hold good till December 31st 1930. Under section 7 of the Legal Practitioners Act,

“At the expiration of such period, the holder of the certificate, if he desires to continue to practise, shall, subject to any rules consistent with this Act which may, from time to time, be made by the High Court in this behalf, be entitled to have his certificate renewed by the Judge of the District Court, etc.”

The only rule framed in this connection is rule 13 which provides that pending the receipt of the renewed certificate practitioners may continue to practise subject to such precautions as to identification as the District Judge may think fit to prescribe. It is therefore clear that the High Court has not delegated to District Judges the power to suspend practitioners pending the receipt of their renewed certificates. Any orders in regard to non-renewal or suspension pending refusal to renew must proceed direct from the High Court. In the circumstances, the order of the learned District Judge cannot be supported and is cancelled.

With this view the learned Advocate-General agrees.

A.S.V.

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GOPALA  
MENON,  
*In re.*