

1919

GAJ KUMAR  
CHANDAR  
v.  
SALAMAT ALI.

the argument against the existence of revisional powers of the High Court in these matters must prevail. The fact that there is no exclusion of section 622 in section 193, does not affect the question, for the provisions of the Code of Civil Procedure apply to the procedure in suits and other proceedings under the Rent Act so far as they are not inconsistent therewith. Thus the only power that the High Court has to dispose of matters covered by Local Act II of 1901, is given by the Act itself and the power of revision is not a power which is so given to it. In other words we accept the view of Mr. Justice PIGGOTT in *Parbhu Narain Singh, Kashi Naresh v. Harbans Lal* (1)—“I am, as at present advised, of opinion that it would be doing violence to the words of the last clause of section 167 of the Tenancy Act for this Court to entertain the present application at all.” The same view was taken by TUDBALL, J., in *Muhammad Ehtisham Ali v. Lalji Singh* (2). We, therefore, find that the High Court has no power to entertain an application for revision against an order passed in appeal by a District Judge against the decision of an Assistant Collector. We accept the preliminary objection and dismiss this revision with costs.

*Petition dismissed.*

## FULL BENCH.

*Before Mr. Justice Muhammad Rafiq, Mr. Justice Stuart and Mr. Justice Wallach.*

IN THE MATTER OF A MUKHTAR.\*

*Act no. XVIII of 1879 (Legal Practitioners Act), section 13 (f)—Mukhtar—Conduct rendering legal practitioner amenable to disciplinary powers of the Court—Writing insulting letters to an officer.*

A Mukhtar practising in the Criminal and Revenue Courts of a sub-division addressed certain grossly insulting letters to the Sub-divisional Officer in his character as officer in charge of the copying department.

*Held* that such conduct on the part of a Mukhtar fell within the purview of section 13 of the Legal Practitioners Act, 1879, and rendered the writer amenable to the disciplinary jurisdiction of the High Court.

THIS was a reference made by the District Judge of Gorakhpur under section 14 of the Legal Practitioners Act, 1879, in

\* Civil Miscellaneous no. 276 of 1919.

(1) (1916) 14 A. L. J., 281.

(2) (1916) I. L. R., 41 All., 226.

1919  
August, 6.

the case of a Mukhtar practising in the Kasia sub-division of the Gorakhpur district.

The facts out of which the reference arose are fully stated in the order of the Court.

Munshi *Purushottam Das Tandon*, for the Mukhtar

The officiating Government Advocate (*Mr. R. Malcolmson*),  
for the Crown.

MUHAMMAD RAFIQ, STUART, and WALLACH, JJ.:—A notice has been issued to the Mukhtar, by a Full Bench of this Court, on a report of the District Judge of Gorakhpur, dated the 17th of April, 1919, to show cause why the report made against him should not be accepted, and why proper orders should not be passed against him under section 14 of the Legal Practitioners Act. The substance of the complaint is contained in the District Judge's report and the accompanying papers. It is that the mukhtar in question, who practised in the Criminal and Revenue Courts in the Kasia sub-division of Gorakhpur, had been grossly insulting to a Sub-divisional Officer in that court. The language objected to was contained in three letters, dated the 22nd of July, 31st of July and the 5th of August, 1918.

We have heard the learned vakil who represented the Mukhtar in question. He argued upon the wording of sections 13 and 14 of Act XVIII of 1879, but, in the main, confined his plea to a frank admission that the language used in these letters was most improper, coupled with a submission for clemency on the ground that his client had been misled and betrayed into using the language of an improper kind, for which he felt genuine regret now that he had time to re-consider his position.

The suggestion that on the facts there is nothing which entitles us to take action under the provisions of sections 13 and 14 of Act XVIII of 1879, cannot possibly be supported. The provisions of section 13 (f) clearly cover the case, and it is unnecessary to discuss whether it would not also fall under the provisions of section 13 (b). The facts are very simple.

The Mukhtar had applied to the Sub-divisional Officer for a copy of a judgment of acquittal. The record in which the judgment had been passed did not happen to be in the copying department of the Sub-divisional Officer of Kasia, and,

1919

---

IN THE  
MATTER OF A  
MUKHTAR.

1919

---

IN THE  
MATTER OF A  
MUKHTAR.

through no fault of his, he was unable to supply a copy of that judgment. It was open to him to forward the application to the head-quarters of the Gorakhpur district, where the record had been transmitted in the ordinary course, and possibly it was his duty to have forwarded the application to head-quarters. It is not quite clear whether the rules of the Kasia courts had been properly posted up to date, but, in any circumstances, if the officer in charge of the copying department had directed, even without official authorization, that the Mukhtar should himself apply at the head-quarters for the copy, he would not have done anything serious, or anything which a reasonable person could take exception to. What he did was this. He returned the application to the Mukhtar who refused to receive it. He sent it again to him by post. The Mukhtar again refused to receive it. Finally, the application was torn up. By this act the Mukhtar might have been put to a loss of some thirteen annas. On this the Mukhtar addressed the officer in charge of the copying department (the officer in question being the Sub-divisional Officer, a Deputy Collector and Magistrate of standing and position) a letter, the terms of which were deliberately insulting and offensive. He followed this up with an even worse letter, and ended that particular transaction by a third letter, which was the worst of the three. These letters would have been perfectly intolerable, if addressed by one private person to another private person, and it is difficult to understand how any man, holding the responsible position which attaches to members of the legal profession, could have been so misguided as to write them.

The question remains how is this man to be dealt with ?

He will be suspended from practice for two years accordingly. At the same time he is warned to mend his ways when he returns to practice, as his next slip may be his last. The suspension will take place from the date of this order and he will deposit his certificate of practice with the Registrar of the High Court within a week.