

1930

DEEP SINGH  
v.  
RAGHUNATH  
SINGH.

tion vested in it by paragraph (2) of section 5 of the Limitation Act.”

I take the same view. In my opinion no sufficient cause has been shown for extension of the period of limitation for appeals in these cases. The grounds of appeal in these cases were not based upon the form which the decrees had taken after the amendment.

Hence I dismiss both the appeals with costs.

*Appeal dismissed.*

#### MISCELLANEOUS CIVIL.

*Before Mr. Justice Wazir Hasan, Chief Judge and Mr. Justice A. G. P. Pullan*

1930

July, 29.

#### IN THE MATTER OF THE ENROLMENT OF AN ADVOCATE.

*Enrolment of advocates—Chief Court Rules, chapter III—Advocate reading in chamber before being called to the Bar—Reading in chamber, whether to be before or after being called to the Bar.*

The rule embodied in chapter 3 of the Rules of the Chief Court of Oudh regarding persons who may apply to be admitted as advocates of that court does not prescribe the reading in chambers to commence after a person has been called to the Bar. The words used in that rule indicate that reading in chambers may be made before the call to the Bar, during the course of attendance at the lectures for the law examination, or after the call at the Bar. The object of rule is to prescribe the necessity of reading in the chambers of a practising Barrister or Advocate irrespective of the fact whether it is done before or after the call to the Bar.

Messrs. *R. F. Bahadurji* and *A. Hasan*, for the applicant.

The Government Advocate (*Mr. H. K. Ghose*), for the Bar Council

\*Civil Miscellaneous Application No. 270 of 1930 for enrolment as an Advocate.

HASAN, C. J. and PULLAN, J. :—This is an application by one Mr. Asfaque Husain praying to be admitted as an Advocate of the Chief Court of Oudh.

The following facts are admitted :—

Mr. Ashfaque Husain passed his final law examination in December, 1928 at the Hon'ble Society of Lincoln's Inn which entitled him to be called to the Bar as an Utter Barrister of the same society. He is a resident of the province of Oudh. After having passed the aforesaid examination he returned to Oudh and read in the chambers of Mr. R. F. Bahadurji, a practising Advocate of this Court of over ten years' standing, for a period of one year from the 2nd of April, 1929 to the 2nd of April, 1930. In November, 1929, while in India, he was called to the Bar. The application was referred to the Bar Council of Oudh for opinion. The Bar Council has expressed its opinion in the following resolution, a copy of which has been forwarded to the Registrar of this Court :—

“The Council resolved that it was of opinion that Mr. Ashfaque Husain Barrister-at-law, could not be enrolled as an Advocate as he had not worked in the Chambers of a Barrister for one year after he himself had been called to the Bar.”

It will be noted that in the resolution just now quoted emphasis is laid on the word “after” and the question for decision is as to whether that view of the Bar Council is correct or not. The decision turns upon the interpretation of the following rule embodied in chapter III of the Rules of the Chief Court of Oudh :—

“The following persons may apply to be admitted as Advocates of the Chief Court of Oudh :—

- (a) Any person who is a Barrister of England  
... and who has taken a degree in law

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of any University established by law in British India or any University in the United Kingdom, or who has read for not less than one year in the chambers of a practising Barrister or Advocate in the United Kingdom or of a practising Advocate of not less than 10 years' standing in Oudh."

We are of opinion that the rule does not prescribe the reading in chambers to commence after a person has been called to the Bar. In the first place, there are no words indicating that intention. In the second place, the words that are used indicate that reading in chambers may be made before the call to the Bar, during the course of attendance at the lectures for the law examination, or after the call at the Bar. The object of the rule is to prescribe the necessity of reading in the chambers of a practising Barrister or Advocate irrespective of the fact whether it is done before or after the call to the Bar. What is essential is that admission on the rolls of Advocates of this Court cannot be allowed unless before the application is made all the conditions laid down in the rule have been complied with. The rule insisting upon reading in the chambers of a practising Advocate is an alternative to the rule that the applicant must have taken a degree in law of any university established by law in British India or in the United Kingdom. It thus being an alternative rule it follows that what is true as to the time at which a degree in law is taken is equally true as to the time at which reading is made in the chambers of a practising Barrister or Advocate. It cannot be doubted that as regards the degree in law it may well precede call to the Bar.

We accordingly order that the applicant be admitted as an Advocate of the Chief Court of Oudh.

*Application granted.*