

relationship to Madan Mohan Lal that he asserted and has been rightly dismissed. We dismiss this appeal with costs in favour of defendants 7 to 10, 12, 14, 17 and 18, one set to be equally divided among those who have separately appeared.

*Appeal dismissed.*

---

### SPECIAL BENCH.

*Before Courtney Terrell, C. J., Dhavle and Agarwala, JJ.*

SHYAMAPADA DE, IN THE MATTER OF.\*

*Legal Practitioners' Act, 1879 (Act XVIII of 1879), section 13—pleader carrying on the business of insurance agent without giving up legal profession, whether is guilty of professional misconduct.* October, 14.

A person who, after having been admitted as a pleader or mukhtear, accepts any appointment or enters into any other trade or business must give notice to the High Court, which has the power thereupon to suspend him from practice or pass any other suitable order. He cannot run two businesses at the same time, such a practice being in the highest degree injurious to the interest of the legal profession and to the interest of the public.

Where, therefore, a pleader was found to be carrying on the business of an insurance agent without giving up the legal profession, *held*, that he was guilty of professional misconduct.

Reference under section 14 of the Legal Practitioners' Act, 1879.

The facts of the case material to this report are set out in the judgment of the Court.

No one in support of the reference.

*K. P. Jayaswal* (with him *S. C. Mazumdar* and *G. C. Das*), against the reference.

---

\*Civil Reference no. 1 of 1935, made by Rai Bahadur Saudagar Singh, District Judge of Manbhum-Sambalpur, in his letter no. 1, dated the 16th June, 1935.

1935.

KANHYA  
LAL  
MISSIR  
v.  
MUSAMMAT  
HIRA BIDI.

KHAJA  
MOHAMAD  
NOOR AND  
SAUNDERS,  
JJ.

1935.

1935.  
 SHYAMAPADA  
 DE,  
 IN THE  
 MATTER OF.

COURTNEY TERRELL, C.J. AND DHAVLE AND AGARWALA, JJ.—This is a proceeding under section 13(f) of the Legal Practitioners' Act against one Shyamapada De, a pleader, who has been practising at Raghunathpur in the district of Manbhum. A suit was brought by the heirs of an assured person on a policy of insurance against the Insurance Company. The defence of the Insurance Company was that there had been fraud in the obtaining of the policy of insurance and in the course of the suit the pleader amongst other persons was called as a witness in support of the plaintiff. It became clear from his evidence that the nominal agent of the Company for negotiating the policy was the brother of the pleader, one Birinchi Lal De, who lives with the pleader at Raghunathpur. The evidence of the pleader made it further clear that it had been the practice for the pleader to render assistance to his brother in negotiating policies; but the evidence went very much further than the disclosure of the mere rendering of assistance in the particular case. It may well be that a pleader of experience may properly give advice from time to time to a younger brother who is engaged in business and had the matter rested there there would have been little to complain of; but the evidence of the pleader in this suit clearly shows that the insurance agency though nominally that of the brother was really that of the pleader. The brother is an ignorant young man with little education and little knowledge of English and it is improbable that he would ever have been appointed an agent but for the existence of the pleader brother against whom this complaint is made. In the particular case under investigation the suit was concerned with the insurance of a person named Surajmal and it is clear that the pleader played a most active part and his evidence indicates that no less active part must have been played by him in many cases that have passed through his brother's hands. Now persons who wish to take up a profession must take their choice. If they wish to be insurance agents there is nothing to prevent them

from carrying on that useful occupation; but if they enter the profession of the law as pleaders then they must make up their mind to conduct the business of the pleader and nothing else. There is the most distinct rule of the Court by which a person who, after having been admitted as a pleader or mukhtear, accepts any appointment or enters into any other trade or business must give notice to the High Court and the High Court has the power thereupon to suspend him from practice or pass any other suitable order. Here the pleader has clearly been trying to run two businesses at the same time—the business of pleader and the business of an insurance agent—and such a practice is in the highest degree injurious to the interest of the profession and to the interest of the public. We are satisfied that the pleader has been guilty of professional misconduct and we suspend him from practice for a period of six months from this date.

1935.  
SHYAMAPADA  
DE,  
IN THE  
MATTER OF.  
COURTNEY  
TERRILL,  
C. J.,  
DHAVLE AND  
AGARWALA,  
JJ.

*Reference accepted.*

### FULL BENCH.

Before Courtney Terrell, C.J., Dhavle and Agarwala, JJ.

1935.  
October, 17.  
November,  
11.

MOHAMMAD ALAM,

v.

BABULAL MARWARI.\*

*Provincial Insolvency Act, 1920 (Act V of 1920), section 24(I), proviso—Judge, whether entitled to take evidence on behalf of creditors at the adjudication stage—discretion.*

The proviso to sub-section (4) of section 24 of the Provincial Insolvency Act, 1920, runs thus :—

“ Provided that, where the debtor is the petitioner, he shall, for the purpose of proving his inability to pay his debts, be required to

\*Appeal from Original Order no. 249 of 1933, from an order of W. W. Dalziel, Esq., I.C.S., District Judge of Monghyr, dated the 11th August 1933.