

W.P(MD)No.15130 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.07.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.P.(MD)No.15130 of 2018

A.M.Raja

... Petitioner

Vs.

1.The Bar Council of Tamilnadu and Puducherry,
Rep.By its Secretary,
High Court Campus,
Chennai - 600 104.

2.The Disciplinary Committee - IV,
Represented by its Chairman,
Bar Council of Tamilnadu and Puducherry,
High Court Campus,
Chennai - 600 104.

3.S.Ganesan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the second respondent in DCC No.45 of 2017 dated 04.06.2018 quash the same.



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For Petitioner : Mr.T.Indrachithu

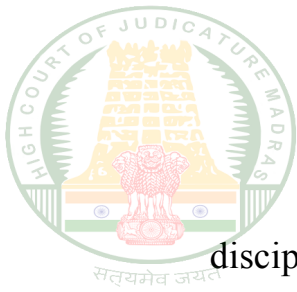
For Respondents : Mr.Niranjana S.Kumar for R1
Ms.P.Yasmin Begam for R3
No appearance for R2

ORDER

(Order of the Court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The petitioner herein got enrolled as an advocate in the year 2001. He is said to be practicing in the Courts at Kumbakonam. One Ganesan lodged complaint dated 08.10.2015 against the writ petitioner before the Bar Council of Tamil Nadu and Puducherry, Chennai. Ganesan alleged that the writ petitioner herein approached him in connection with the two accidents that had taken place in his family and promised to file MCOP and obtain suitable compensation. The complainant would allege that the writ petitioner herein had cheated him. The complaint was taken on file in DCC No.45 of 2017. The complainant examined himself as P.W.1 and marked as many as 11 documents (Exs.C1 to C.11). The writ petitioner herein only filed reply but did not appear before the



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disciplinary committee. He did not even cross examine the complainant.

Treating the complainant's version as uncontested, the committee passed order dated 04.06.2018 in the following terms:-

“It is hereby further directed that the Respondent Advocate shall also pay a sum of Rs 50,000/- (Rupees Fifty Thousand only) as cost to the Complainant within a period of 4 weeks from the date of receipt and file a proof of payment before the Bar Council. Failing which, the Respondent Advocate shall undergo a further period of two (2) years of suspension after the above said period of 5 years, other than entitling the Complainant to execute the order as a Decree before a Civil Court and realise the said amount.”

Questioning the same, this writ petition has been filed.

3.This Court while entering the writ petition granted an order of interim stay.

4.When the matter was taken up for final hearing, the learned counsel appearing for the writ petitioner submitted that the writ petitioner suffered from renal failure in the year 2017. He was admitted in KMC Government Hospital, Coimbatore and that was why, he could not appear before the Bar Council.



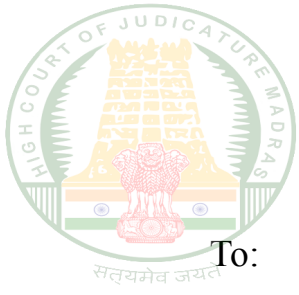
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5.We do not want to go into the merits for the present. Since the petitioner suffered from renal failure, he deserves to be given one more opportunity. It is in this view of the matter, we set aside the impugned order dated 04.06.2018 passed in DCC No.45 of 2017. The matter is remitted to the file of the second respondent. The complainant / Ganesan and the writ petitioner / A.M.Raja shall appear before the disciplinary committee on 26.09.2026 at 11.00 am. Since the complainant has already given his statement, the writ petitioner has to necessarily cross examine the complainant on the said date. Final order should be passed by the committee within a period of three months thereafter.

6.This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (K.K.R.K. J.)
13.07.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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1. The Secretary,
The Bar Council of Tamilnadu and Puducherry,
High Court Campus,
Chennai - 600 104.
2. The Chairman,
Disciplinary Committee - IV,
Bar Council of Tamilnadu and Puducherry,
High Court Campus,
Chennai - 600 104.



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**G.R.SWAMINATHAN, J.
and
K.K.RAMAKRISHNAN, J.**

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