

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 6543 of 2015 (P)

PETITIONER(S):

**V. SURESH KUMAR,
ADVOCATE, VATTAPARAMBIL HOUSE, EZHUTHACHAN ROAD,
ARIMBUR, THRISSUR DISTRICT.**

**BY ADVS.SRI.P.SANTHOSH (PODUVAL),
SMT.R.RAJITHA,
SRI.K.D.SREEVISAKH.**

RESPONDENT(S):

- 1. BAR COUNCIL OF KERALA,
REP. BY ITS SECRETARY, BAR COUNCIL BHAVAN,
HIGH COURT CAMPUS, ERNAKULAM-682 031.**
- 2. DISCIPLINARY COMMITTEE I.,
BAR COUNCIL OF KERALA, REP. BY ITS REGISTRAR,
BAR COUNCIL BHAVAN, HIGH COURT CAMPUS,
ERNAKULAM-682 031.**
- 3. REGISTRAR,
DISCIPLINARY COMMITTEE I, BAR COUNCIL OF KERALA,
BAR COUNCIL BHAVAN, HIGH COURT CAMPUS,
ERNAKULAM-682 031.**
- 4. SHANTHA KUTTAPPAN,
W/O.KUTTAPPAN, KARAKKULAM VEEDU,
CHALAKKUDY VILLAGE & DESOM, MUKUNDAPURAM TALUK,
P.O. CHALAKKUDY-680 307, THRISSUR.**
- 5. RAJANI P.S., W/O.SUBRAMANIAN,
AMINIKKATT VEEDU, VELUTHUR VILLAGE,
KAIPPILLY DESOM, THRISSUR TALUK,
ARIMBUR, THRISSUR-680 620.**
- 6. JANSY DEVASSY, W/O.DEVASSY,
VADAKKAN VEEDU, VELAPPAYA VILLAGE & DESOM,
THRISSUR TALUK, P.O. VELAPPAYA-680 596, THRISSUR.**

7. MALLIKA KUTTAN, W/O.KUTTAN,
POTTORE HGOUSE, THRISSUR TALUK,
P.O. MINALUR, BYE-PASS ROAD, THRISSUR.
8. PHILOMINA DEVASSY, W/O.DEVASSY,
CHIRAYATH HOUSE, THRISSUR TALUK,
P.O. KODANNOOR, THRISSUR-680 563.
9. SAJINI SAJEEVAN, W/O.SAJEEVAN,
THAYYIL HOUSE, THRISSUR TALUK,
P.O. KOORKKANCHERRY, CHIYYARAM, THRISSUR-680 026.
10. INDIRA SATHEESHAN, W/O.SATHEESH,
VETTIYATTIL HOUSE, THRISSUR TALUK,
P.O. AYYANTHOLE, PULLAZHI, VADAKKUMMURI,
THRISSUR-680 003.
11. ROSY JACOB, W/O.LATE JACOB,
THARAYIL HOUSE, THRISSUR TALUK,
AYYANTHOLE P.O., PUTHOORKKARA,
THRISSUR-680 003.
12. SHAHITHA BASHIR, W/O.BASHIR,
PUTHIYAVEETIL HOUSE, THRISSUR TALUK,
P.O. CHALINGAD, KAIPAMANGALAM, THRISSUR-680 681.
13. AMBILI SUNILKUMAR,
W/O.SUNILKUMAR, MALAUYATTIPARAMBIL HOUSE,
THRISSUR TALUK, P.O. EDATHURUTHY, THRISSUR-680 703.
14. ROSILY PAVUNNY,
VASU PURATHKKARAN HOUSE, THRISSUR TALUK,
P.O. NORTH CHALAKKUDY, POTTACHIRA ROAD,
THRISSUR-680 307.
15. NISHA ROY, W/O.SATHEESH,
UKKRAN HOUSE, THRISSUR TALUK,
P.O. THALORE, THRISSUR-680 306.

R1 BY ADV. SRI.GRASHIOUS KURIAKOSE, SENIOR ADVOCATE.
BY ADV. SRI.GEORGE MATHEWS.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT P1 : TRUE COPY OF THE COMPLAINT FILED BY THE RESPONDENTS
4 TO 15.
- EXT P2 : TRUE COPY OF THE MEMO OF CHARGES IN D.C. CASE NO.2/14.
- EXT P3 : TRUE COPY OF THE REPLY SUBMITTED BEFORE THE
3RD RESPONDENT.
- EXT P4 : TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE 2ND RESPONDENT DATED 11-01-2015.
- EXT P5 : TRUE COPY OF THE FEE RECEIPT DATED 12-01-2015.
- EXT P6 : TRUE COPY OF THE APPLICATION FOR DISMISSAL SUBMITTED BY
THE PETITIONER BEFORE 2ND RESPONDENT DATED 22-02-2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C)No.6543 OF 2015
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Dated this the 5th March, 2015

J U D G M E N T

The petitioner is a practising lawyer at Thrissur. Respondents 4 to 15 herein preferred Ext.P1 complaint alleging professional misconduct against the petitioner , which came to be referred to the second respondent/Disciplinary Committee of the Bar Council of Kerala for appropriate action. On receipt of Ext.P2 memo of charges, the petitioner submitted Ext.P3 reply before the third respondent/Registrar, Disciplinary Committee of the Bar Council of Kerala. It is stated that the petitioner was totally in the dark as to the subsequent course and events and on a fine morning, the petitioner was let to understand that an ex parte order was passed on 28.12.2014, which stands detrimental to the rights and interests of the petitioner as a lawyer. It is also stated that copy of the said order is still to be served to the petitioner.

2. On coming across the said proceedings, the petitioner filed Ext.P4 application before the second respondent/Disciplinary Committee of the Bar Council of Kerala to set aside the ex parte

order on 11.01.2015, also satisfying the requisite fee vide Ext.P5. It is stated that the petitioner has also moved the second respondent by way of Ext.P6 on 22.02.2015, seeking to dismiss the complaint as not maintainable. The petitioner is aggrieved of the delay in considering Exts.P4 and P6. Hence this writ petition.

3. Mr. Gracious Kuriakose, the learned Sr. Counsel appearing for the respondents 1 to 3 submits that charges were framed on 25.05.2014 and postings were given on 14.06.2014, 12.07.2014, 10.08.2014, 28.09.2014, 26.10.2014 and 30.11.2014. On 30.11.2014, the petitioner was absent and the petition filed for adjournment was allowed. On 14.12.2014, the petitioner was again absent, when evidence was adduced by the complainants and the matter was posted for orders to 11.01.2015. It is also brought to the notice of this Court that necessary fee for filing Ext.P4 application was admittedly satisfied by the petitioner only on 12.01.2015, as evident from Ext.P5. Since the matter was listed for orders on 11.01.2015 and the petitioner had turned up with Ext.P4 petition on that day, the application was not rejected, to cause it to be considered by the

Bar Council of India in terms of Section 36B of the Advocates Act, 1961, as one year is over. The learned Sr. Counsel further submits that there will be sitting of the Disciplinary Committee of the Bar Council of India in the Camp at Ernakulam and that the application preferred by the petitioner will be considered in the camp sitting at Ernakulam, after issuing proper notice to the petitioner. In the said circumstance, it will be open for the petitioner to pursue the matter accordingly.

The matter is disposed of, as no further orders are warranted.

P.R.RAMACHANDRA MENON
JUDGE

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