

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2200 of 2015

IN

Civil Writ Jurisdiction Case No. 5757 of 2015

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K. M. Joseph, Son of late Mathew Kizhakekara, Advocate, Patna High Court Bar Association, resident of St. Xavier's, West Gandhi Maidan Road, P.S.-Gandhi Maidan, District-Patna.

..... Appellant

Versus

1. The Punjab National Bank through its Chairman, New Delhi-110066.
2. The General Manager, the Punjab National Bank New Delhi-110066.
3. The Zonal Manager, the Punjab National Bank, R-Block, Chanakya Place, Patna, Bihar.
4. The Regional Manager, the Punjab National Bank, Gaya, 'B' Gaya, Bihar.
5. The Manager, the Punjab National Bank, Aurangabad Main Branch, P.O. Mali, District-Aurangabad.

..... Respondents in writ petition-Respondents 1st Set

6. Kanti Prabha Kerketta, wife of late John Tuti, resident of Anandpuri, P.O.-College More, P.S.-Sadar Hazaribagh, District-Hazaribagh, Jharkhand.

..... Respondents in writ petition-Respondent 2nd Set

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Appearance :

For the Appellant : Mr. Ashish Giri, Advocate

For the Respondents : Mr. Sarvadeo Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN

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ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH)**

Date: 30-01-2016

Re: I.A. No.9546 of 2015

Heard Mr. Ashish Giri, learned Counsel, appearing on behalf of the appellant, and Mr. Sarvadeo Singh, learned Counsel, appearing on behalf of the respondents.

2. Considering the fact that the appellant has been able to show that his interest is adversely affected by the judgment and order, which stand impugned in the present appeal, we are of the view that the appellant has been able to make out a case for grant of special leave as has been sought for.

3. In view of the above and in the interest of justice, the leave to prefer appeal, as has been sought for, is hereby granted.

4. I.A. No.9546 of 2015 shall stand disposed of.

Re: L.P.A. No.2200 of 2015

Heard Mr. Ashish Giri, learned Counsel, appearing on behalf of the appellant, and Mr. Sarvadeo Singh, learned Counsel, appearing on behalf of the

respondents.

2. The appellant was a conducting Counsel for the petitioner in a writ application, filed under Article 226 of the Constitution of India, which gave rise to C.W.J.C. No.5757 of 2015. The said writ application came to be disposed of by judgment and order, dated 01.10.2015, passed by a learned single Judge of this Court. The said judgment and order contained certain adverse remarks against the appellant, who was conducting the case on behalf of the petitioner.

3. The present appeal, under Clause 10 of the Letters Patent of this Court, has been preferred against the said judgment and order, dated 01.10.2015, to the extent it relates to making of adverse remarks against the appellant as recorded in paragraph Nos.9 to 16.

4. A supplementary affidavit has been filed, in the present appeal, on behalf of the appellant, tendering unqualified and unconditional apology to this Court for any unintentional act of indiscretion on his part, which resulted into passing of adverse remarks.

5. We have perused the supplementary affidavit, so filed, on behalf of the appellant. We are satisfied that the unqualified and unconditional apology, tendered by the appellant, is genuine and full of remorse.

6. Considering the facts and circumstances in entirety, we hereby expunge the personal remarks made against the appellant in the judgment and order, under appeal, dated 01.10.2015, as contained in paragraph Nos.9 to 16.

7. The judgment and order, passed by a learned single Judge of this Court, under appeal, stand modified to the limited extent as indicated above.

8. The appeal stands allowed accordingly.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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