

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6422 OF 2022

NARAYAN VITTHALRAO ARGADE
VERSUS
THE PRINCIPAL DISTRICT JUDGE OSMANABAD AND OTHERS

Mr. Doke Kishor R., Advocate for the Petitioner.

Mr. N.B. Khandare, Advocate for Respondent Nos.1 to 3.

CORAM : SHARMILA U. DESHMUKH, J.

DATED : FEBRUARY 23, 2023.

PER COURT :

1. The petitioner's application for renewal of his license as registered clerk of an Advocate came to be rejected and the license granted to him was cancelled.

2. Heard learned counsel for the parties.

3. The provisions of Rule 634 of the Civil Manual provides for the registration of the lawyer's clerk. Perusal of the Rule 634 contemplates the suspension of enrollment and cancellation of enrollment for any misconduct on the part of the registered clerk. In the present case, only allegation is that the civil suit for partition is filed against the petitioner. By no stretch of imagination filing of a civil suit in respect of property can be construed as the

misconduct for which the penalty for cancellation of license can be imposed. That apart the rule also contemplates that giving an opportunity of hearing to the concerned person, which has not been followed in the present case.

4. Considering that there is no misconduct within the meaning of Rule 634 of the Civil Manual. The impugned orders dated 20.06.2020 and 13.05.2022 cancelling license and rejecting the petitioner's application for setting aside the order of cancellation of license are hereby quashed and set aside.

5. Writ Petition stands allowed.

(SHARMILA U. DESHMUKH, J.)