

Item No.9
16.07.2024
Court. No. 9
GB

W.P.A. 9772 of 2024

Shyamali Paul & Ors.
Vs.
Bar Council of India & Ors.

Mr. Nripendra Krishna Roy

...for the Petitioners.

Mr. Avinash Kankani

...for the Bar Council of India.

Mr. Dipankar Dandapath,

Mr. Debangshu Biswas,

Mr. Rajat Dutta,

Mr. Souvik Sen

...for the Respondent No.4.

This is an peculiar case where the petitioners and the respondent no.4 are multiplying litigations against each other. Both parties have displayed aggravated behaviour which do not appear to be either rational or reasonable.

The petitioners had a problem with the respondent no.4, who was their learned advocate. The petitioner approached the Bar Council. The learned advocate allegedly filed 125 cases against the petitioners. The matter was transferred to the Bar Council of India by the Bar Council of West Bengal. The Bar Council of India found that the advocate misused his power and office and harassed the petitioners. Cost of Rs.20,000/- was imposed to be payable to the Advocates' Welfare Fund of the State Bar Council. It is informed that the cost has been paid.

It is now submitted by the peititoners that after the order has been passed by the Bar Council of India, the respondent no.4 has been continuously harassing the petitioners and threatening to file more cases. Such letter has

been annexed to the writ petition which is in the letterhead of the respondent no.4. The learned Advocate submits that the letter was a reply to certain allegations made by the petitioners.

The remedy of the petitioner is before the State Bar Council. The petitioners are at liberty to approach the Bar Council of West Bengal with the allegations. If such approach is made, the competent authority of the Bar Council of West Bengal shall decide the matter upon taking cognizance of the subsequent causes of action as pleaded herein.

If the petitioners are aggrieved by the order of the Bar Council of India, the petitioners are also entitled to prefer an appeal, in accordance with law.

The respondent No.4 has fairly undertaken before this Court that all the litigations instituted against the petitioners will be withdrawn. Such undertaking in the form of an affidavit shall be filed before the Bar Council of West Bengal, if the petitioners approach the Bar Council of West Bengal. The Bar Council of West Bengal will dispose of the matter and try to settle the dispute between the parties within two weeks from receipt of the petitioners' complaint. The petitioners shall also take the proper cause of action as it is submitted that the petitioners want to settle the matter, and do not want further litigation.

The parties are restrained from advancing letters to each other.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)