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Rev.Aplw.No.163 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Rev.Aplw.No.163 of 2021
in
W.P.No.13796 of 2021

Karthik Ranganathan

... Petitioner

Vs.

1. Disciplinary Committee - IV,
Bar Council of Tamil Nadu & Puducherry,
High Court Campus,
Chennai - 600 104.
2. V.Raj
3. Union of India,
Represented by its Secretary,
Ministry of Law & Justice,
New Delhi.
4. Union of India,
Represented by its Secretary,
Parliamentary Affairs Committee,
New Delhi.
5. The Secretary,

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Bar Council of India,
New Delhi.

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6. Government of Tamil Nadu,
Represented by its Secretary,
Department of Law,
Secretariat, Chennai.

... Respondents

Prayer: Review Application filed under Order 47 Rule 1 r/w Section 114 of Civil Procedure Code, to review the order dated 19.08.2021 in W.P.No.13796 of 2021.

For Petitioner : Karthik Ranganathan (Party-in-Person)

For R1 : Mr.C.K.Chandrasekar

For R2 : No appearance

For R3 & R4 : Mr.R.Rajesh Vivekananthan
Deputy Solicitor General of India

For R5 : Mr.S.R.Raghunathan

For R6 : Mr.T.Chandrasekaran
Special Government Pleader

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM,J.**)

This Review Application has been instituted to review the order dated 19.08.2021 passed in W.P.No.13796 of 2021.

2. The Petitioner-in-Person would submit that the Disciplinary



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Committee of the Bar Council of Tamil Nadu and Puducherry and the writ court have failed to consider the vital aspect that the Petitioner-in-Person has authorised his brother to represent his case, since the petitioner himself is a joint complainant along with his brother. Therefore, non-appearance of his brother before the Disciplinary Committee would not be a ground to reject the complaint itself. The Petitioner-in-Person raised several grounds relating to the allegations raised in the joint complaint. His grievances are that the Disciplinary Committee has failed to consider those allegations of misconduct with reference to the documents and evidences produced and the writ court also has not appreciated the said documents. Thus, the Review Application came to be instituted.

3. Mr.C.K.Chandrasekar, learned Counsel appearing on behalf of the Bar Council of Tamil Nadu and Puducherry would oppose by stating that such merits cannot be adjudicated in a review proceedings. The writ court has granted a liberty to the petitioner to approach the Bar Council of India by preferring an appeal. Instead of preferring an appeal, the petitioner has chosen to file the present review application.

4. The scope of Review Application under Order 47 Rule 1 of

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C.P.C., cannot be expanded for the purpose of re-adjudication of issues on merits. In the event of establishing an error apparent on record, court would be in a position to correct the same by entertaining the review application. Therefore, the grounds for appeal cannot be considered as grounds to consider the review application. Re-adjudication of merits is impermissible and more-so, in the present case, the writ court has given a liberty to the petitioner to file an appeal under Section 37 of the Advocates Act before the Bar Council of India. Thus, the petitioner ought to have preferred an appeal as contemplated under the Act.

5. The Petitioner-in-Person raised an apprehension that the Bar Council of India may not consider the grounds, since the writ court has made several observations on merits, more specifically in paragraph nos.14 &15.

6. We are of the considered opinion that once the writ court granted liberty to the petitioner to prefer an appeal before the Bar Council of India under Section 37 of the Advocates Act, the observations made in the order may not be an obstruction to adjudicate the issues on merits independently. The Bar Council of India, in the event of receiving an appeal from the



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petitioner has to conduct an enquiry and pass orders uninfluenced by any of the observations made by the writ court in W.P.No.13796 of 2021, since the writ court itself has granted liberty to the petitioner to prefer an appeal. In view of the facts and circumstances, the petitioner is at liberty to prefer an appeal before the Bar Council of India within a period of 30 days from the date of receipt of a copy of this order. On receipt of any such appeal, the Bar Council of India shall entertain the same without reference to the delay in filing an appeal and adjudicate the issues on merits and in accordance with law by affording opportunity to all the parties and by following due process.

7. With this liberty, the Review Application stands **disposed of**.

J.]

[S.M.S., J.] [C.K.,

07.06.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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S.M.SUBRAMANIAM, J.
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