



C.R.P.No.5043 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.5043 of 2024

R.Perumal Swamy

.. Petitioner

Versus

1.G.Manoharan

G.Pavunambal (Died)

2.G.Rajasekar

3.The Sub Registrar,

Villivakkam Sub Registrar Office,
Chennai – 101.

4.Gajalakshmi

5.G.Muruganantham

6.Hemavathy

7.G.Ravi Sankar

8.Arulmigu Thiruvalleeswarar Thirukoil,

Repd. by its Executive Officer,

Padi, Chennai - 50

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the docket order passed by the learned District Munsif Court, Ambattur I.A.No.6 of 2024 in I.A.No.5 of 2023 in O.S.No.454 of 2008 dated 14.10.2024.

For Petitioner : Mr.D.Babu Varadharajan

For Respondent 8 : Mr.T.Arun Kumar,
Additional Government Pleader



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ORDER

This civil revision petition challenges the order passed by the learned District Munsif at Ambattur in I.A.No.6 of 2024 in I.A.No.5 of 2023 in O.S.No.454 of 2008.

2. The civil revision petitioner was a counsel for the contesting first respondent. He filed an application in I.A.No.5 of 2023, seeking to revoke the vakalatnama, that had been given in favour of the civil revision petitioner. His plea was that the civil revision petitioner, who was taking care of his case all these years, declined to proceed further with the suit and asked him to make alternate arrangements. Therefore, he presented an application for revocation.

3. The learned Trial Judge allowed the application on 20.03.2023. To set aside that order, the civil revision petitioner presented I.A.No.6 of 2024.

4. According to the civil revision petitioner, the first respondent had utilised the service for more than 20 years and had not settled his fees. He



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pleaded that the application under I.A.No.5 of 2023 is a ruse to avoid the payment due to him.

5. The learned Trial Judge considered the averments in the petition and dismissed the same. Hence, the revision.

6. I heard Mr.Babu Varadharajan in support of this revision.

7. Mr.Babu Varadharajan pleads that no notice had been issued to the Advocate prior to revocation. He points out that the learned Judge has given a finding that the fee that has been received by the civil revision petitioner is way above what he is entitled to receive under the rules. He states that both the findings are erroneous and requires to be interfered with.

8. Insofar as the first plea is concerned, I would have to refer to Order III Rule 4 of the Code of Civil Procedure. Under the said provision, vakalatnama, as is commonly called, as is but an authorisation that is given to a counsel for the purpose of appearing for and on behalf of a party. This



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appointment can be determined either by the pleader himself or by the client with the leave of the Court.

9. Insofar as this case is concerned, on the date on which the revocation application was heard, though the civil revision petitioner was on record, he did not cause appearance before the Court. Having kept himself away from the court, no one else can be blamed than himself. In any event, an Advocate does not have a vested right to represent the party. As long as the vakalat in force, he is entitled to appear for a party. If the party wishes to determine the authorisation and decides to appoint another Advocate, the former counsel cannot plead that he is entitled to continue to appear for him, till his fees are settled.

10. The finding of the learned Trial Judge, insofar as the fees that has been paid to the counsel is concerned, it is only for the purpose of disposal of the application filed by the civil revision petitioner. The findings given in the interlocutory application will not take away the right of the party to sue for his dues, in case, he is so entitled to it.



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11. Both points urged by Mr.D.Babu Varadharajan fails. I have no reason to admit the revision. The civil revision petition is dismissed. No cost. It is open to the civil revision petitioner to present a suit for recovery of money, in case, it is open to him under law.

18.12.2024

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

To

1. The District Munsif Court, Ambattur



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V.LAKSHMINARAYANAN, J.

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