

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.1107/2020

IN RE:

ADVOCATE ON RECORD

INCLUDES A PROPRIETARY FIRM ETC.

Petitioner(s)

J U D G M E N TSANJAY KISHAN KAUL, J.

1. The repeated emails of the petitioner, and not very palatable at that, resulted in an administrative decision to take up the issue on the judicial side. The question which we have formulated by our order dated 12.10.2020 is, whether an Advocate on Record can have entry in Advocate On Record register in the form of his style of carrying on profession i.e. instead of "Siddharth Murarka" as "*Law Chambers of Siddharth Murarka*"?. The plea of the petitioner is based on doing similar filing in different High Courts but not being permitted to do so in Supreme Court which, he claims, puts him at a disadvantage against partnership firms since there is no impediment in the constitution of a partnership firm of Advocates where two or more Advocates on Record may constitute a firm.

2. In the course of proceedings today, at the inception itself, we heard Mr. Siddharth Murarka to understand what his grievance was. We also put to him clearly that the manner he has addressed

the emails and the language used whether against the officers of this Court or against other advocates is not acceptable. Mr. Siddharth Murarka submits that he unconditionally withdraws all emails addressed in this behalf which are already forming a part of the compilation whether it be *qua* any alleged complaints against the Registry or against Advocates or firms and would not repeat the same conduct. It is specifically on the said being done that we have considered appropriate to see if we can find a solution to the problem which Mr. Murarka appears to face.

3. Mr. Kailash Vasdev, learned senior counsel/Amicus Curiae who is the Vice-President of the Supreme Court Bar Association and a former Advocate on Record has assisted us and taken us through the history of how the Supreme Court Rules were formulated. In this behalf he has emphasized that the Supreme Court of India on being established under Article 124 of the Constitution of India framed Rules in exercise of powers conferred by Article 145 of the Constitution. These Rules owe their history to the Federal Court Act, 1941 in terms of the Rules there under being formulated in exercise of powers by Section 214 of the Government of India Act, 1935 and Section 3 of the Federal Court Act, 1941. He emphasized that the expression used in the Rules historically and now is "*person*" or "*agent*". Similarly, the authorization is referred to "*him*".

4. It is, however, submitted that under Order IV Rule 15 to 29 and Rule 31(originally), the enrolment of Advocate on Record has been dealt with and still do so in the amended form under the 2013

Rules. What emerges is that there can be an Advocate on Record or a firm of Advocates on Record. The relevant part of the Supreme Court Rules, 2013 is extracted as under:

"Order IV - Advocates

Rule 13(1) An advocate-on-record or a firm of advocates may employ one or more clerks to attend the registry for presenting or receiving any papers on behalf of the said advocate or firm of advocates:

Provided that the clerk has been registered with the Registrar on an application in the prescribed form made to the Registrar for the purpose:

Provided further that the said clerk gives an undertaking that he shall attend the Registry regularly.

22. Two or more advocates on record may enter into a partnership with each other, and any partner may act in the name of the partnership provided that the partnership is registered with the Registrar. Any change in the composition of the partnership shall be notified to the Registrar.

23. Two or more advocates not being senior advocates or advocates on record, may enter into partnership and subject to the provision contained in rule 1(b), any one of them may appear in any cause or matter before the Court in the name of the partnership.

Rule 1(b) reads as under:-

1.(b) No advocate other than the Advocate-on-Record for a party shall appear, plead and address the Court in a matter unless he is instructed by the Advocate-on-Record or permitted by the Court."

5. The aforesaid appears to be grievance of the petitioner who submits that if the partnership firm can be registered and operate he should be permitted to do as a sole proprietor.

6. On hearing learned counsel for the parties, we are in agreement with the submission of learned Amicus Curiae that if different styles of writing names are to be permitted for Advocates

on Record, that can only be by an exercise to amend the Rules. He further submits that he says so as the legal profession is not a business but a profession and this submission takes its roots from that aspect. Thus, insofar as the larger issue is concerned, we leave it to the Rule making authorities to examine whether they would like to expand the registration of Advocates on Record permitting persons to carry on the profession in any sole proprietorship firms, styles or name. The Rules being sacrosanct, we would not like to interfere with the same in the present proceeding.

7. That brings us to the individual facts of the particular case where Mr. Murarka says that all that he seeks to state in his letter head and while filing the Vakalatnama is that "*Law Chambers of Siddharth Murarka sole proprietor Siddharth Rajkumar Murarka*" with his registration number given. It is this aspect alone which we are examining.

8. The expression "*Law Chambers*" has a history from England and also in India because we borrowed a considerable jurisprudence from England where it is a reference to a particular lawyer in whose chambers people may be working and carrying on the legal practice. It appears that this is the style Mr. Murarka seeks to adopt by reference to the Law Chamber with his name following suit. Effectively this style only records the practice of the chamber which is a sole proprietorship of Mr. Siddharth Murarka. Mr. Siddharth Rajkumar Murarka is the person who is registered as an Advocate on Record with the Supreme Court.

9. We are thus, of the view that writing "*Law Chambers of Siddharth Murarka, Sole Proprietor Siddharth Rajkumar Murarka, Advocate on Record, Supreme Court of India AOR NO.2151, M: 9324175774/1*" is permissible style of putting on the letter head and in the Vakalatnamas and thus, if said Vakalatnamas are filed they will be treated as a Vakalatnama of Mr. Siddharth Rajkumar Murarka, who is an Advocate on Record.

10. We close the present proceedings with the aforesaid order and counsel Mr. Siddharth Murarka to concentrate more on his profession now that his problem is solved rather than rake up issues which caused angst both to the Registry and the other advocates.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[DINESH MAHESHWARI]

.....J.
[HRISHIKESH ROY]

NEW DELHI;
JANUARY 20, 2021