

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 4610 OF 2023

ABDUL REHIMAN

....APPELLANT(S)

VERSUS

LYLA HANEEFA & ORS.

....RESPONDENT(S)

WITH

CIVIL APPEAL NO(S). 29 OF 2024

ORDER

1. The appeal being Civil Appeal No. 4610 of 2023 is filed by the Advocate against the impugned order of suspension of registration as an Advocate for a period of two years. He was directed to pay a fine of Rs. 2 lacs.

2. The appeal being Civil Appeal No. 29 of 2024 has been filed by the complainant before the Bar Council of India (for short 'the BCI'). The appellant is dissatisfied with the penalty imposed by the BCI.

3. As can be seen from the first line of the impugned order, both the complainant and the Advocate were absent when the complaint was heard. The Disciplinary Committee of the BCI noted that there was a direction issued by this Court to dispose of the case on or before 30.12.2022. Therefore, without granting any reasonable time, the Disciplinary Committee proceeded to dispose of the transferred case.

4. The consequences of taking disciplinary action against the Members of the Bar are very drastic. Therefore, such a course of deciding the case in absence of the Advocate ought not to have been adopted.

5. Accordingly, we set aside the impugned judgment and order dated 06.11.2022 passed by the Disciplinary Committee of the BCI.

6. B.C.I. Tr. Case No. 35 of 2017 is restored to the file of the Disciplinary Committee of the BCI. A sum of Rs. 1 lac deposited by the appellant in Civil Appeal No. 4610 of 2023 in this Court together with interest accrued thereon shall be transferred to the BCI.

7. At the time of finally deciding the transferred case, the Disciplinary Committee of the BCI will pass an appropriate order in accordance with law as regards the disbursal/withdrawal of the said amount along with interest accrued thereon.

8. Considering the earlier order of this Court, the Disciplinary Committee of the BCI shall endeavour to dispose of the transferred case as expeditiously as possible.

9. All questions are left open to be decided by the Disciplinary Committee of the BCI.

10. The appeals are partly allowed on the above terms.

11. On the prayer made by the parties, it will be open for the Disciplinary Committee of the BCI to conduct the proceedings through video conferencing.

12. Pending application(s), if any, shall stand disposed of.

.....J.  
[ABHAY S. OKA]

.....J.  
[UJJAL BHUYAN]

NEW DELHI;  
FEBRUARY 19, 2024.

ITEM NO.53

COURT NO.7

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4610/2023

ABDUL REHIMAN

Appellant(s)

VERSUS

LYLA HANEEFA &amp; ORS.

Respondent(s)

(IA No. 139625/2023 - STAY APPLICATION)

WITH

C.A. No. 29/2024 (XVII)

(IA No.263751/2023-EXEMPTION FROM FILING O.T.)

Date : 19-02-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) Ms. Priya Balakrishnan, Adv.  
Mr. Amit Sharma, AOR

Mr. M. T. George, AOR  
Mrs. Susy Abraham, Adv.  
Mr. Johns George, Adv.

For Respondent(s) Ms. Priya Balakrishnan, Adv.  
Mr. Amit Sharma, AOR

Mr. Akshay Amritanshu , AOR  
Mr. Anjali Kumari, Adv.  
Mr. Ayush Raj, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The appeals are partly allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)

(Signed order is placed on the file)