

ITEM NO.33

COURT NO.1

SECTION XIV

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

SPECIAL LEAVE PETITION (CIVIL) Diary No.756/2024

(Arising out of impugned final judgment and order dated 01-12-2023 in CRP(IO) No.380/2023 passed by the Gauhati High Court)

SONESHWAR DEKA & ORS.

Petitioner(s)

VERSUS

BIRSING DEKA & ANR.

Respondent(s)

Date : 08-01-2024 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Adeel Ahmed, AOR
Mr. Raja Chatterjee, Adv.
Ms. Anupama Gupta, Adv.
Ms. Sana Parveen, Adv.

For Respondent(s)

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

- 1 Permission to file the Special Leave Petition is granted.
- 2 The learned Single Judge of the Gauhati High Court imposed costs of Rs 20,000 on the fourth petitioner (Ismail Haque) who is an advocate

representing his clients before the High Court. The High Court has imposed costs on the ground that the advocate had made an attempt to mislead the court.

- 3 We quite appreciate the concern of the High Court that an advocate who appears before the court is first and foremost an officer of the court and is expected to discharge duties in that capacity. Having said that, we are conscious that the advocate in this case is a junior at the Bar. Being a junior at the Bar is not an immunity from observing proper code of behaviour, particularly in dealing with the court. At the same time, we have no manner of doubt that if the advocate tenders a written personal apology before the learned Single Judge of the High Court, the learned Single Judge would take a sympathetic view by passing an appropriate order.
- 4 Conditional on Mr Ismail Haque tendering an unconditional apology in writing before the Single Judge of the High Court, we would request the Single Judge to take an appropriate view of the matter having regard to the fact that the mistake was committed by a junior at the Bar.
- 5 We leave the matter at that and dispose of the Special Leave Petition.
- 6 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar