

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.2510 OF 2017

INDRESH KUMAR

Appellant(s)

VERSUS

SANJAY SINGH BAGHEL

Respondent(s)

O R D E R

Heard Mr. Sudhir Kulshreshtha, learned counsel for the appellant.

It is submitted by learned counsel for the appellant that in view of Section 40(2) of the Advocates Act, 1961, the Bar Council of India could not have passed an order of stay, for the appeal was presented after the period stipulated under Section 37 of the Advocates Act. Section 40(2) reads as follows :-

"40. Stay of order.--

(1) ...

(2) Where an application is made for the stay of the order before the expiration of the times allowed for appealing therefrom under Section 37 or Section 38, the disciplinary committee of the State Bar Council, or the disciplinary committee of the Bar Council of India, as the case may be, may, for sufficient cause, direct the stay of such order on such terms and conditions as it may deem fit."

Having heard learned counsel for the appellant, as presently advised, we grant him liberty to move an application for variation

of the said order granted by the Bar Council of India on the specific ground. If such an application is filed within three weeks hence, the same shall be decided within six weeks therefrom. The application for variation of the order shall be decided first. Be it clarified, we have not expressed any opinion on any aspect.

With the aforesaid observation and direction, the appeal stands disposed of.

.....,J.
(Dipak Misra)

.....,J.
(A.M. Khanwilkar)

.....,J.
(Mohan M. Shantanagoudar)

New Delhi;
February 20, 2017.

ITEM NO.19

COURT NO.2

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

Civil Appeal No(s). 2510/2017

INDRESH KUMAR

Appellant(s)

VERSUS

SANJAY SINGH BAGHEL

Respondent(s)

(with appln. (s) for permission to place addl. documents on record and stay)

Date : 20/02/2017 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s) Mr. Sudhir Kulshreshtha, AOR
Mr. Sameer Kulshreshtha, Adv.

For Respondent(s)

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

Heard Mr. Sudhir Kulshreshtha, learned counsel for the appellant.

The appeal stands disposed of in terms of the signed order.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)