

IN THE HIGH COURT OF SINDH, AT KARACHI

C.P. No. D-752 of 2024

PRESENT:

**MR. JUSTICE AQEEL AHMED ABBASI,
CHIEF JUSTICE;
MR. JUSTICE ABDUL MOBEEN LAKHO**

***Muhammad Akhtar Khan.....V/s.....Registrar, High Court of Sindh
& others***

Date of hearing 20.01.2024

Petitioner present in person.

ORDER

Abdul Mobeen Lakho, J. The Petitioner, who is an Advocate of this Court is aggrieved by the order dated 12.01.2024 passed by the learned Single Judge of this Court in *Suit No.855 of 2007 (Khawaja Qamarul Hassan.....v.....Mst.Nuzhat Khawaja & another)*, whereby, the Registrar of this Court was directed to file a complaint against the petitioner before Sindh Bar Council under Section 41(2) of the Legal Practitioners and Bar Councils Act, 1973 for disciplinary proceedings against the petitioner and in exercise of powers under Section 54(1) of the aforesaid Act, the petitioner was suspended from practicing as an Advocate for a period of three months, however, he filed a review application for recalling/review of the order dated 12.01.2024, which was also dismissed with the observation that the petitioner has no intention to submit apology for his previous conduct. Both the impugned orders are reproduced as under:-

"12-01-2024

None present for the Plaintiff.

Mr. Mohammad Akhtar Khan, Advocate for Defendant No.1.

Ms. Seema Waseem, Advocate for Defendant No.2.

Mr. Mohammad Akhtar Khan, Advocate (Ledger No.2710) appears for Defendant No.1. He is confronted with the fact that he does not adhere to the dress code as he is not wearing a black tie or a white band as required by Rule 34 of the Sindh Legal Practitioners and Bar Council Rules, 2017. He is therefore, asked to come back in the proper dress. However, he refuses to comply and further states that he appears regularly in such fashion and no Judge has ever objected. He is again warned of consequences but persists. His action and behavior amount to grave indiscipline and also misconduct. Therefore, along with a copy of this order, the Registrar of the High Court shall file a complaint against Mr. Mohammad Akhtar Khan, Advocate with the Sindh Bar Council under Section 41(2) of the Legal Practitioners and Bar Councils Act, 1973 for disciplinary proceedings against said Advocate. In exercise of powers under Section 54(1) of the Legal Practitioners and Bar Councils Act, 1973, Mr. Mohammad Akhtar Khan is also suspended from practicing as an Advocate for a period of three months. The office shall convey this order to the worthy Registrar."

"30-01-2024

None present for the Plaintiff.

Mr. Mohammad Akhtar Khan Advocate.

- 1] Urgency granted.
- 2] Mr. Mohammad Akhtar Khan, Advocate, seeks review of the order dated 12-01-2024 whereby he was suspended from practice as an Advocate for a period of three [03] months while referring the matter to the Sindh Bar Council for disciplinary proceedings against him as he had refused to abide by the dress code provided in Rule 34 of the Sindh Legal Practitioners and Bar Council Rules, 2017. The ground taken for review is that Rule 34 does not make it mandatory for an Advocate to wear a black tie or a white band, and further that the said Rules are subject to the Legal Practitioner and Bar Councils Act, 1973, which does not provide any such dress code. Suffice to state that the order dated 12-01-2024 was passed after going through Rule 34 of the Sindh Legal Practitioners and Bar Council Rules,

2017 and the Legal Practitioner and Bar Councils Act, 1973, and thus there is no error apparent on the order. At this juncture, Mr. Mohammad Akhtar Khan Advocate is asked whether he intends to review his previous conduct by an apology so that the Court can otherwise consider recalling the aforesaid order; however, he states that he has no such intention. Therefore, the review application is dismissed.”

2. According to the petitioner appearing in person, he is practicing Advocate in Sindh Bar Council through Registration/Leger No.2710/82-Kar. since 1982. He further submits that on 12th January, 2024, when he appeared before the learned Single Judge in aforesaid Suit on behalf of Defendant No.1, the learned Single Judge observed that Counsel for Defendant No.1 (Petitioner herein) is not in proper dress i.e. not wearing a black tie or a white band as required by Rule 34 of the Sindh Legal Practitioners and Bar Council Rules, 2017, therefore, the learned Single Judge passed the order for suspending the license of the petitioner for three months. Petitioner appearing in person submits that the learned Single Judge acted so hurriedly and could not provide sufficient time to produce the relevant substance and material and the order dated 12.01.2024 has also been passed on account of some mistakes and errors. He further submits that review application was also filed before the learned Single Judge against the order dated 12.01.2024 elaborating the facts, which was also dismissed vide order dated 30.01.2024 reproduced hereinabove.

3. Heard counsel appearing in person and perused both the orders dated 12.01.2024 and 30.01.2024. It is imperative to reiterate that Rules are framed to maintain order and decorum in Court, which helps an

individual or Counsel to act and carryout his functions according to Rules. Rules create boundaries and establish guidelines for smooth running of an association/Council. Without Rules it may be very difficult for an association/Council to perform its functions, therefore, Rules are framed to avoid haphazard functioning of an association. In the instant matter the suspension was slapped for not abiding by Section 34 of the Sindh Legal Practising and Bar Council Rules, 2017, which is reproduced as under:-

“34. DRESS OF ADVOCATE

(a)(i) The dress of the male advocate shall be white shirt, white/black/trouser/white shalwar, black tie/white band, black coat or black sherwani/waskit. In case of female advocate white shirt, white shalwar, black coat or white scarf/ white dupata.”

As far as recalling of the order dated 12.01.2024 is concerned, it appears that the learned counsel was directed to make correction in his uniform by wearing “black tie” as required under the aforesaid Rules and refusal for doing so translated into slapping of the suspension and again when the matter was fixed for recalling of the suspension, the counsel was directed to tender an apology for his behaviour, but not doing so, continued with the suspension, this egoistic behaviour in Court does not call for any leniency.

4. Before parting with the order, we must reiterate with all humility that in the hallowed wall of justice, a lawyer’s comportment is not merely a personal virtue but a beacon illuminating the very essence of legal professionalism within the Courtroom, they stand as a paragon of unwavering dignity and ethical rectitude casting a shadow so performed

that even the opposing counsel cannot conceive of disrespecting such a stalwart figure. Furthermore, this commitment extends to the sanctity of Court itself. The lawyer in embodying the highest standards of conduct, becomes an impassable bulwark against any notion of disrespect within these sacred confines. Their presence serves as a testament to the gravity of the legal process ensuring that the Courtroom remains a realm where respect is not earned but demanded fostering an atmosphere of reverence for the pursuit therefore, we find no merit in the instant petition and dismissed the same in limine. Above are the reasons of our short order dated 20th February, 2024.

Judge

Chief Justice