

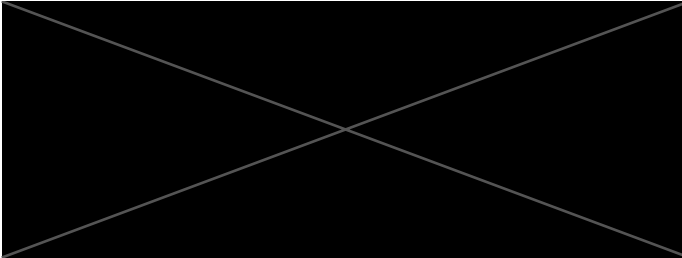
IN THE COURT OF MS AUNRADHA JINDAL, ADDL.  
SENIOR CIVIL JUDGE-CUM- JUDGE SMALL CAUSE  
COURT-CUM-GUARDIAN JUDGE, DISTRICT: SOUTH,  
NEW DELHI

CS SCJ 908/21

SHISHIR CHAND Vs. T.V. GEORGE

CNR No. DLST03-001751-2021

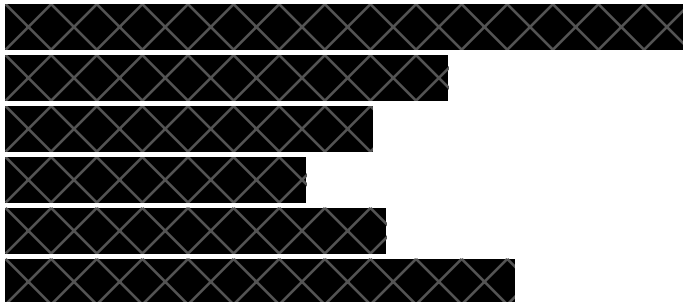
Mr. SHISHIR CHAND



.....PLAINTIFF

VERSUS

Mr. T.V. GEORGE



.....DEFENDANT

## SUIT FOR RECOVERY

Date of institution : 11.11.2021  
Date of reserving judgment : 09.01.2025  
Date of pronouncement of judgment : 07.03.2025

## JUDGMENT

### *The Case*

1. The present dispute arises from a prolonged legal battle stemming from a case of alleged medical negligence, corporate misconduct, and professional malpractice. At the heart of the matter is the tragic demise of the plaintiff's younger brother, allegedly due to reckless treatment by an unqualified doctor employed by Tata Steel at Jamshedpur. Seeking justice, the plaintiff initiated multiple legal proceedings across various judicial forums, including criminal complaints, consumer litigation, and writ petitions, in an attempt to establish liability and claim compensation.
  
2. In January 2013, the plaintiff engaged the legal services of Sh. T.V. George, an advocate practicing before the Supreme Court and the National Consumer Disputes Redressal Commission (NCDRC), to pursue a consumer complaint against Tata Steel. The defendant, known for

handling high-profile medical negligence cases, was recommended to the plaintiff by Dr. Kunal Saha, a well-known litigant who had successfully won a record compensation in a similar case. Based on the agreed terms, the defendant undertook the responsibility of drafting the consumer complaint, filing pleadings, representing the plaintiff before the NCDRC etc.

3. As the case progressed, the plaintiff began questioning the legitimacy of the doctor's MBBS degree and insisted that the defendant incorporate these allegations into the consumer litigation. The defendant, however, advised caution, emphasizing that such serious allegations required conclusive proof before being raised in a judicial forum. Unconvinced, the plaintiff proceeded to challenge the doctor's credentials before the Hon'ble Delhi High Court. This led to multiple legal proceedings, culminating in a 2018 Hon'ble Supreme Court ruling. Despite the judicial findings, the plaintiff continued to insist that the defendant had acted negligently by failing to include these allegations in the consumer complaint.
4. A turning point came in October 2016, when all pleadings and evidence in the consumer case were completed. At this stage, the plaintiff discharged the defendant from the case, choosing to represent himself before the NCDRC. The defendant's role in the litigation effectively ended, yet the plaintiff persisted in making accusations of professional misconduct, alleging that the defendant had been influenced by Tata Steel to sabotage the case. The plaintiff

also accused the defendant of failing to implead necessary parties, not seeking interest on compensation, and mishandling expert witness testimony.

5. By 2021, nearly eight years after engaging the defendant's services, the plaintiff filed the present suit, seeking a refund of the legal fees paid to the defendant and alleging professional negligence, conflict of interest, and deficiency in service. The defendant, in response, not only denied all allegations but also filed a counterclaim for defamation, harassment, and reputational damage.
6. This case, therefore, extends far beyond a routine legal dispute—it represents a collision between a client's expectations, an advocate's ethical obligations, and the procedural limitations of consumer litigation. It raises fundamental questions about advocates' professional duties, judicial reliance on expert testimony, and the extent to which litigants can hold legal professionals accountable for case outcomes.
7. This Court has duly considered the final arguments advanced by the parties. The Court has meticulously examined the entire record, giving careful attention to the pleadings, the evidence presented, and the submissions made on behalf of the parties as well as written submissions filed by the plaintiff. Each aspect of the case has been analysed in light of the relevant facts and law, ensuring that all material brought before the Court has

been fully reviewed and assessed in reaching a fair and just decision.

### **The Plaintiff**

8. The Plaintiff is a former army cadet of the prestigious National Defense Academy, Khadakwasla, Pune, a Gold Medalist and a post graduate in Economics. Since 2013, the Plaintiff is volunteering as Head of Delhi Chapter of People for Better Treatment, India (PBT, India), an NGO helping victims of medical negligence, medical malpractice and medical errors in top public and private hospitals after a tragic incident in his family changed the course of his life and the same is demonstrated below.
9. It is stated that the Plaintiff is working pro bono for PBT India and has helped hundreds of victims fight for their rights against top corporate and public hospitals both at judicial and quasi-judicial forums like State Medical Councils and National Medical Commission, erstwhile MCI. The Plaintiff is filing this instant suit for recovery of fees paid by him to the Defendant, an advocate for gross dereliction of duty, sheer deficiency of service, utter negligence in drafting a plaint and willful non-application of legal mind both in drafting and representation of a consumer case.
10. On 21.05.2011, Mr. Vishal Chand (hereafter the 'deceased'), the Plaintiff's younger brother, who was just 33 years old and an ICWA professional working as

Assistant Manager- Finance with Timken India Ltd, a US MNC's India subsidiary at Jamshedpur died at the hands of a fake and unqualified doctor, a licensed quack and an impersonator who was then employed as Senior Surgeon-Casualty in the Emergency Ward of Tata Main Hospital (TMH), Jamshedpur, Jharkhand.

11.As per the catena of evidences that have emerged in the last six years, the impersonator was practicing medicine in a senior position in a top corporate hospital with a fake Intermediate mark sheet, a fake B.Sc. degree and a fake MBBS degree. In due course, direct evidence emerged to show that the impersonator was a beneficiary of medical seat allotment scam under 15% CBSE quota of CBSE AIPMT 1989 Exam

12.It is submitted that the CBSE quota scam of 1989 was widely reported in mainstream newspapers and several writ petitions were filed before Hon'ble Supreme Court of India and Hon'ble Delhi High Court being W.P (C) No. 1254 of 1989 titled "Vinay Shankar Vs DGHS & Oths" and W.P No. 1166 of 1990 titled "Vivek Vs University of Delhi & Oths" respectively.

13.On the intervening night of 20.05.2011 and 21.05.2011, the deceased who was staying alone in Jamshedpur on experiencing chest pain and uneasiness at an odd hour (10.30 PM) had rushed to the Emergency Ward of TMH with his driver where he was attended by the impersonator.

14. It is stated that the impersonator for reasons best known to him ignored six symptoms of an impending cardiac arrest exhibited by the deceased including complaint of chest pain and uneasiness, irregular and abnormal ECG with several ischemic changes later opined by top doctors including a Government Cardiologist and a former Head of Department, AIIMS, New Delhi, elevated blood pressure recorded as 150/100 mmHg, family history of heart disease and mis-diagnosed the ailment as acidity.
15. A serious patient in need of critical care having reported to the Emergency Ward of a biggest corporate hospital in town at an odd hour was neither admitted nor referred to a Cardiologist. The protocol mandating repeated ECGs recordings and troponin test followed by a blood test to measure level of cardiac enzyme in blood were ignored. Further, no anticoagulant to delay a cardiac event was administered.
16. The patient was discharged from the Emergency Ward and he returned home late at night with a false sense of security that he was suffering from some gastric problem. However, the patient experienced chest pain again the next day in the morning while working in his office viz Timken India Ltd, Jamshedpur. The patient was immediately rushed to another hospital by his colleague at Timken India Ltd but before he could meet a doctor, the patient suffered a severe heart attack, collapsed before the OPD and died in ten minutes.

17. The post mortem of the deceased confirmed death from Myocardial Infarction (M.I) i.e., heart attack. The impersonator who was then employed as Senior Surgeon-Casualty in the Emergency Ward of TMH, Jamshedpur was subsequently dismissed from the services of the hospital.
18. In January 2013, the Plaintiff while planning to engage an Advocate for the purpose of filing a Consumer Case at Hon'ble National Consumer Disputes Redressal Commission (hereafter 'NCDRC') against Tata Steel and its impersonator came in contact with the Defendant, an Advocate on Record (A.O.R) of the Hon'ble Supreme Court of India.
19. It is submitted that the services of the Defendant were recommended to the Plaintiff by PBT India on account of the fact that the Defendant had experience of litigating medical negligence cases and was also the advocate of the President of PBT India, Dr. Kunal Saha who had fought a 15 year long legal battle against a corporate hospital.
20. The Plaintiff on meeting the Defendant at his office briefed him at length about the impersonator's total incompetence and inefficiency in the treatment of his brother complete lack of knowledge of medical science including inability to interpret a simple ECG, total absence of care as evident by the approach of the impersonator while dealing with a critical patient and most importantly, denial of emergency services to a serious patient that



eventually prove to be the proximate cause for his death from gross, reckless and criminal negligence in treatment.

21. A fee of Rs 40,000/- for drafting of the consumer complaint and Rs 3,500/- per appearance of the Defendant before the Hon'ble NCDRC in addition to other administrative cost like fees for drafting of applications and other overhead charges viz. court fee, photocopies etc. was mutually agreed upon between the Plaintiff and the Defendant.

22. On subsequent meetings, a preliminary draft of the consumer complaint prepared by the Plaintiff of approximately 70 pages having totality of facts along with Expert Medical Opinion on affidavit of three eminent doctors including a government cardiologist and a former Head of Department of AIIMS, New Delhi concluding gross negligence in treatment of the deceased was shared with the Defendant. Vide email dated 22.03.2013, the Defendant upon incorporating almost 90 percent of the draft prepared by the Plaintiff in the style and format of a Consumer Complaint filed before Hon'ble NCDRC along with Expert Medical Opinions of eminent doctors furnished by the Plaintiff sent the first draft of the consumer complaint to the Plaintiff for consideration and approval.

23. The Plaintiff being totally naïve and inexperienced with legal matters approved the draft with minor changes and without questioning the Defendant that he had not sought

interest on the compensation amount that was prayed to be awarded as recompense for wrongful death of the Plaintiff's younger brother. The Plaintiff was also totally oblivious to the fact that it a settled law for victims of wrongful death to seek interest on compensation to be calculated from the day of filing of a civil case/consumer complaint until the date of realization of the compensation amount.

24. Furthermore, the Memo of Parties drafted by the Defendant suffered from non-joinder of necessary parties as neither the employer of the deceased nor the state medical council that had issued a fake license to the impersonator was impleaded as parties in the consumer complaint. Lastly, for reasons best known to the Defendant, the hospital was impleaded as Opposite Party No. 2 and the impersonator as Opposite Party No. 1 whereas as per settled law, the pecuniary liability of the hospital vis a vis the doctor is in the ratio 80: 20.

25. On 04.04.2013, a Consumer Case bearing No. 83 of 2013 was filed by the Defendant on behalf of the Plaintiff and his family members against the impersonator and the General Manager, Medical Services, Tata Main Hospital, Jamshedpur before Hon'ble NCDRC, New Delhi. As per the agreement between the Plaintiff and the Defendant, a fee of Rs 40,000/- for drafting of the Consumer Complaint was paid by the Plaintiff to the Defendant in two parts of Rs 20,000/- each. The aforesaid payment of Rs 40,000/- was paid by Plaintiff to Defendant from his YES Bank

Savings Bank Account, Chhatarpur Branch, New Delhi vide Cheque No. 421926 dated 09/03/2013 and Cheque No. 421927 dated 04/04/2013.

26. Vide Order dated 30/04/2013, the Hon'ble NCDRC issued notices to both OP1 and OP2 returnable on 18/11/2013. Subsequently before the next date of hearing, the OPs filed their Written Statement and the Plaintiff the Rejoinder to the Written Statement.

27. The pleadings of the case were complete by Order dated 18/11/2013 passed by Hon'ble NCDRC. However, it would shock the conscience of this Hon'ble Court to know that despite a lapse of eight years since completion of pleadings of a consumer case, the consumer case of the Plaintiff is yet to be decided by Hon'ble NCDRC.

28. It is submitted that in the meantime, the Plaintiff has invoked all regal remedies including filing of several early hearing applications before Hon'ble NCDRC, the first one as early as May, 2017 and thereafter filing a Civil Appeal before Hon'ble Supreme Court against the Hon'ble NCDRC. The Plaintiff has reasons to believe that his consumer case has been systematically delayed in a planned and organized manner by forces acting at the behest of a powerful and influential corporate and in large measure on account of acts of omission and commission committed by the Defendant.

29. The Plaintiff also has reasons to believe that the Defendant acting in concert with Opposite Parties mis-represented and thereby prejudiced a case of 'institutional murder' simply by an act of willful and intentional non-application of legal mind until his last appearance before Hon'ble NCDRC in CC/83/2013 on 21.10.2016 on behalf of the Plaintiff. Pertinent to state here is that Plaintiff pursuant to Order dated 21.10.2016 passed by Hon'ble NCDRC in CC/83/2013 had instructed the Defendant to surrender the brief of his consumer case as the Plaintiff was totally aggrieved and dissatisfied by the manner in which the Defendant had represented his case before the Hon'ble NCDRC in last four years (2013-2016).

30. Noteworthy to recall here is that the Defendant while representing the Plaintiff and his family in their consumer case before Hon'ble NCDRC for four years made no effort by moving an appropriate application (IA) before the Hon'ble Commission to ascertain the educational qualification held by the impersonator.

31. On the contrary, the Defendant had repeatedly discouraged the Plaintiff from bringing the issue of fake educational qualification of the impersonator before the Hon'ble NCDRC. Pertinent to state here is that as per Section 13(4) of the Consumer Protection Act, 1986, Hon'ble NCDRC has the same powers as are vested in a Civil Court under CPC, while trying a suit in respect of the matters enumerated in the said section, such as, (i) summoning and enforcing the attendance of defendant and/or witness; (ii)

examining the witness on oath; (iii) discovery and production of any document or other material object; (iv) receiving evidence on affidavits; and (v) issuance of commission for the examination of any witness, etc.

32. Even during the stage of interrogatories when both parties had an opportunity to cross examine witnesses, the Defendant did not pose a single question to the Opposite Parties on the fake educational qualification held by the impersonator and thereby gave undue relief to Opposite Parties which they were not entitled on merits. Furthermore, Defendant did not oppose a plea made by Opposite Parties for another round of additional interrogatories on the issue of medical negligence despite strict instruction by the Plaintiff given to the Defendant through email to oppose the same.

33. It is stated that another round of additional interrogatories on points of negligence in treatment of the deceased was totally unnecessary and immaterial in a case of *res ipsa loquitor* where facts speak for themselves and gross negligence in treatment was apparent on the face of the record. The most improper, illogical and unjustified conduct of the Defendant that sowed reasonable apprehension in the mind of the Plaintiff took place during the course of proceeding before Hon'ble NCDRC on 12.08.2016.

34. On the aforesaid date, the Hon'ble Bench at NCDRC upon being apprised that one of the three eminent doctors, the

Orissa based government cardiologist, Dr. Dipak Ranjan Das who had given his expert medical opinion in favor of the Complainants has refused to be cross-examined by the Opposite Parties by way of Interrogatories decided to expunge the expert opinion of Dr. Dipak Ranjan Das from the panel of expert opinions in CC/83/2013. The reason that was cited by Dr. Dipak Ranjan Das for discontinuing his support as an expert witness was that he has been subjected to harassment by his employer, the State Govt. of Orissa purportedly for helping the Plaintiff. Dr. Dipak Ranjan Das had written an email dated 04.02.2015 to the Plaintiff alleging harassment by his employer and the said email was placed on record before Hon'ble NCDRC by way of an interlocutory application which was initially resisted by the Defendant.

35. The Hon'ble Bench at NCDRC then presided by a Judicial Member during the course of hearing on 16.02.2016 had taken the email written by Dr. Dipak Ranjan Das on record and issued notice to him to file his reply to interrogatories without fear or favour. In July 2016, the Judicial Member hearing the case of the Plaintiff since the institution of the case in April, 2013 was transferred from Court No. 5 to Court No. 3 by Hon'ble NCDRC.

36. In the meantime, Dr. Dipak Ranjan Das did not comply to the notice issued by Hon'ble NCDRC and the Hon'ble Bench now presided by a Non-Judicial Member upon hearing the Defendant passed an Order to expunge the

Expert Medical Opinion of the government cardiologist, a key witness of the Complainants.

37. Noteworthy to mention here is that during the course of oral exchange in the courtroom between the Hon'ble Bench, the Defendant and the Plaintiff to ascertain if the Complainants have any objection to the expunging of expert opinion of a key witness, the Defendant for reasons best known to him refrained from relying on the Hon'ble Supreme Court Judgement passed in the landmark Dr. Kunal Saha's case, a case in which the Defendant was himself the counsel for Dr. Kunal Saha and wherein the Hon'ble apex court has authoritatively held that provisions of the Evidence Act does not apply to consumer proceedings and there is no need to cross-examine a witness in a consumer court.

38. Needless to state, the expunging of expert opinion of a key witness by the Hon'ble NCDRC had potential to impact the final outcome of the case. Thereafter, vide Order 21.10.2016, the Hon'ble NCDRC directed both parties to file short synopsis for final argument. The Defendant quoted a price of Rs 5000/- for preparing the short synopsis to which the Plaintiff readily agreed.

39. Thereupon, the Defendant prepared a short synopsis and the same was sent vide email dated 11.01.2017 to the Plaintiff. The Plaintiff on perusing the same was surprised to find that the Defendant had drafted a totally mechanical and perfunctory synopsis of merely four pages and without

placing reliance on a single case law on medical negligence. No statues were cited. There was no rebuttal of contentions made by Opposite side. Moreover, the synopsis was devoid of certain important facts which were part of pleadings of the case.

40. The aforesaid synopsis prepared by the Defendant simply stated the deceased's age and income in addition to making cross reference to expert medical opinions of the two doctors and decision of MCI that was already on record before the Hon'ble NCDRC. The Plaintiff after careful perusal of the synopsis decided against filing the same for Final Argument of his consumer case and was constrained to engage his advocate at Hon'ble Delhi High Court to prepare a better version of the same synopsis.

41. Thereafter, the Plaintiff being totally aggrieved and dissatisfied by the professional misconduct and lack of interest shown by the Defendant gave him an oral instruction to discharge the brief until further notice or advised otherwise. Until this stage, the Plaintiff had paid an additional sum of Rs 57,500/- to the Defendant including fee for appearances and fees for drafting of applications over and above Rs 40,000/- paid for drafting of consumer complaint.

42. The Plaintiff was also aggrieved by the fact that the educational qualification of the impersonator could not be ascertained despite four years of proceedings before Hon'ble NCDRC and in spite of disclosure of



incriminating information under RTI Act, 2005 by MGM Medical college, Jamshedpur, Ranchi University and Bihar Medical Council. Further, the Plaintiff was aggrieved that his consumer case has been vitiated by an irregularity based on a misconception of the nature of the proceedings.

43. Thereafter, the Plaintiff took complete charge and control of his consumer case and it is a matter of record that the Plaintiff has been appearing as Complainant-in-Person before Hon'ble NCDRC in his consumer case since January, 2017. Thereafter, upon gaining experience and confidence, the Plaintiff moved an interlocutory application dated 04.03.2020 before Hon'ble NCDRC seeking discharge of Defendant from his consumer case No. 83 of 2013.

44. The aforesaid application of the Plaintiff seeking discharge of the Defendant is pending disposal before Hon'ble NCDRC due to suspension of physical hearings on account of the coronavirus. Pertinent to state here is that the Plaintiff during the last four years of proceedings before Hon'ble NCDRC has been agitating a case of death from quackery thereby rendering the previous four years of proceedings totally irrelevant and immaterial as the same was merely restricted to the issue of negligence in treatment.

45. In its usual and expected style, the scam tainted MCI had discontinued degree verification process of the impersonator at a crucial stage when Bihar Medical

Council and Ranchi University in compliance to an Order passed by MCI failed to produce a copy of the degree held by the impersonator. The impersonator was then let off by MCI with just a simple warning.

46. Insofar as the criminal case of the Plaintiff against General Manager, Medical Services, Tata Steel and the impersonator is concerned, the investigation in F.I.R No. 164/14 of Bistupur P.S, Jamshedpur u/s 304 and 304A IPC was totally subverted and sabotaged by multiple rounds of collusion and connivance of the accused with the state of Jharkhand and the investigating agency viz Jamshedpur Police under SSP, Jamshedpur and thereafter, the CB-CID of Jharkhand Police.

47. A Criminal Writ Petition bearing No. 106 of 2019 filed by the Plaintiff before Hon'ble Jharkhand High Court, Ranchi for transfer of investigation in F.I.R No. 164/14 of Bistupur P.S to Central Bureau of Investigation (CBI) and prosecution of officers of Jharkhand Police is pending disposal. Aggrieved by the proceedings before Hon'ble NCDRC, MCI as well as biased and partisan role of investigating agency, the Plaintiff was constrained to file a Civil Writ Petition before Hon'ble Delhi High Court against MCI, Bihar Medical Council, Ranchi University and the impersonator assailing the MBBS degree held by the impersonator.

48. In November 2016, a Civil Writ Petition bearing No. 10452 of 2016 was filed by the Plaintiff before Hon'ble

Delhi High Court but the same was subsequently withdrawn after two hearings on technical grounds with liberty to file afresh. Thereafter in January 2017, the Plaintiff filed a modified version of his Civil Writ Petition before Hon'ble Delhi High Court and the same was numbered as W.P (C) 277 of 2017 followed by L.P.A No. 693 of 2017.

49. It was during proceedings before Hon'ble Delhi High Court that a grave contradiction in the admission record of the impersonator emerged that proved beyond reasonable doubt that the MBBS admission of the impersonator was fraudulent and deceitful. Until this stage the Plaintiff had expended an additional amount of Rs two lakh (Rs 2,00,000/-) as fees paid to four legal counsels including Senior Advocate, Mr. Anand Grover who represented him before Hon'ble Delhi High Court in two Writ Petitions and one L.P.A.

50. Subsequently in due course, another set of direct evidences related to fake Intermediate mark sheet, fake B.Sc. degree and fake M.B.B.S degree of the impersonator has emerged and the entire catena of facts, documents and evidences have been placed on record before Hon'ble NCDRC by the Plaintiff by way of four interlocutory applications seeking invalidation/cancellation of the MBBS degree held by the impersonator.

51. Pertinent to state here is that Hon'ble Supreme Court vide Order dated 08.02.2021 passed in Civil Appeal Diary No.

1550/2021 preferred by the Plaintiff has directed Hon'ble NCDRC to dispose the pending applications of the Plaintiff before taking up Final Argument of the Consumer Case 83 of 2013.

52. Noteworthy to also mention here is that Uttarakhand Police acting on a criminal complaint dated 03.10.2020 of the Plaintiff filed against the impersonator and his father, Mr. Jitendra Nath Chhabra, a fake employee of UP Higher Secondary Board, Allahabad has booked both the father-son duo u/s 120 B, 420, 467, 468, 470 and 471 IPC for resorting to illegal, unlawful and fraudulent means to obtain a fake Intermediate mark sheet for the impersonator in 1985.

53. Three more criminal complaints of the Plaintiff filed u/s 154 Cr.P.C against the impersonator is pending with Delhi Police, Uttar Pradesh Police and Chhattisgarh Police for offences punishable under Section 120B, 406, 420, 467, 468, 470 and 471 IPC. While the application for discharge of the Defendant was pending before Hon'ble NCDRC, the Plaintiff did some elementary research to ascertain conflict of interest on part of the Defendant and was surprised to find some startling facts.

54. The Defendant on 07.08.2013 i.e., just four months after entering his appearance on behalf of the Plaintiff before Hon'ble NCDRC also appeared as legal counsel for Tata Motors Finance, Thane, Maharashtra before the same Hon'ble Commission in a Revision Petition instituted in

2013. Thereafter in the same year on 18.11.2013, Defendant had appeared for first time for TATA Engineering and Locomotive Company (TELCO), another Tata Group Company in a 2012 appeal filed before Hon'ble NCDRC.

55. In the following year on 16.09.2014, the Defendant had appeared for TATA Motor Finance, a Tata Group company before Hon'ble NCDRC in a Revision Petition instituted by a private party in 2013. Thereafter, on 14.01.2019, the Defendant had appeared for TATA Motor Finance in yet another case filed before Hon'ble NCDRC, a Revision Petition instituted by a private party in 2013.

56. On 09.07.2020, the Plaintiff sent a severance letter to the Defendant through email formally dis-engaging him as a counsel for his consumer case pending at Hon'ble NCDRC. It is submitted that a questionnaire with nine questions on the unprofessional conduct of the Defendant, willful non-application of legal mind, deficiency of service and utter negligence in managing the brief of the Plaintiff is part and parcel of the severance letter.

57. The Plaintiff alleged that the Defendant had prejudiced the consumer case by filing a defective plaint with glaring errors, by not asking the right questions during proceedings of the case, by not adopting a proper strategy and not opposing the dilatory and diversionary tactics of the opposite party because of which the case is still lingering on resulting in loss of valuable time of the court

and the Plaintiff. That vide the same severance letter, the Plaintiff also sought refund of full fees paid by him to the Defendant and amounting to Rs 97,500/- 84.

58. The Defendant vide email reply dated 10.07.2020 neither answered the nine questions posed by the Plaintiff nor showed any inclination to refund the fee amount. A brief summary of allegations pointing to professional misconduct on part of Defendant is as follows:

- (i) Not seeking interest payment on compensation while drafting the consumer complaint of the Complainants.
- (ii) Not arraigning/impleading proper and necessary parties in the consumer complaint in the facts and circumstances of the case.
- (iii) Not framing questions of facts and questions of law on the educational qualification held by Opposite Party No. 1 during the stage of Interrogatories.
- (iv) Not opposing/objecting to dilatory tactics adopted by Opposite Parties to delay proceedings.
- (v) Drafting a diluted version of synopsis for final argument without placing reliance on a single case law and other facts.
- (vi) Not disclosing to the Plaintiff, the conflict of interest on part of the Defendant and arising out of his holding other briefs on part of Opposite Parties/ its group companies.

59. This Court has the necessary territorial jurisdiction to entertain the present suit. The Plaintiff has not filed any

other similar suit before this Hon'ble Court or any other Court. The present suit is being filed within limitation. The present suit is filed in a bona fide manner and is liable to be allowed in the interest of justice. Under the aforesaid facts and circumstances, it is most prayed that this Court may graciously be pleased to:

- a) Direct the Defendant to file a statement on affidavit disclosing the number of cases pending and disposed in various courts all over India in which a Tata Group Company has engaged his services since 01.01.2013 until the date of filing of the statement.
- b) Pass a decree in favor of the Plaintiff for recovery of fees paid by the Plaintiff to the Defendant during the four-year period from March 2013 to January 2017 and amounting to Rs 97,500/- along with interest @ 18% per annum.
- c) Pass a decree in favor of the Plaintiff for Pendilite and future interest @18% from the date of filing of this compliant till actual receipt of the amount.
- d) Pass an Order in favor of the Plaintiff directing Defendant to compensate the Plaintiff a lumpsum amount of Rs 50,000/- for causing mental agony, pain, harassment on account of deficiency of service and duplication of efforts and for prejudicing and delaying the consumer case of the complainant.
- e) Pass an order in favour of the Plaintiff for litigation cost amounting to Rs 20,000/-

- f) Pass any order/orders which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice.

**Written Statement on behalf of the Defendant**

60. The present suit is not maintainable as it lacks a valid cause of action. It is liable to be rejected for insufficient court fees and is also barred by limitation.
61. The Plaintiff has suppressed material facts and has filed this suit without disclosing the conclusive judicial findings on the very issue he continues to litigate. In Writ Petition (C) No. 277/2017 before the Hon'ble Delhi High Court, the Plaintiff challenged the genuineness of the MBBS degree of the doctor (O.P. No. 1 before the NCDRC) who treated his deceased brother. By Order dated August 30, 2017, the Hon'ble High Court held that the doctor's degree was genuine. This finding was upheld by the Division Bench in LPA No. 693/2017 on April 26, 2018. The Plaintiff's Review Application No. 246/2018 was dismissed on July 6, 2018. The Plaintiff then approached the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No. 41865/2018, which was dismissed on November 22, 2018. The issue regarding the doctor's qualifications has been conclusively settled at the highest judicial level.



62. Despite this, the Plaintiff has filed the present suit against the Defendant, alleging that he deliberately failed to raise the issue of the doctor's credentials in the consumer complaint before the NCDRC. This amounts to deliberate suppression of facts and an abuse of the process of law. The Plaintiff, despite adverse judicial findings, continues to insist that the doctor's degree is fake, and on this misplaced basis, he has instituted this suit against the Defendant.

63. Furthermore, the Plaintiff himself was advised by the Defendant via email dated November 3, 2016, not to pursue allegations against the doctor's MBBS degree unless there was conclusive proof of its falsity. The Plaintiff chose to ignore this advice and now falsely claims that the Defendant acted negligently by not raising this issue before the NCDRC.

64. The Plaintiff also claims that the Defendant failed to ensure that Dr. Dipak Ranjan Das, an expert witness supporting the Plaintiff's case before the NCDRC, responded to interrogatories filed by the opposite parties. Dr. Das initially provided an expert medical opinion but later, citing alleged pressure from his employer, refused to reply to the interrogatories. The Defendant exercised professional judgment in advising the Plaintiff that compelling an unwilling expert witness to testify could be counterproductive. A single adverse statement from such a witness could damage the Plaintiff's case irreparably. However, the Plaintiff disregarded this advice, discharged

the Defendant, and conducted the case himself. The Plaintiff has not placed on record the interrogatory responses given by Dr. Das, which would reveal their impact on the case.

65. Another allegation pertains to the Defendant's decision not to oppose additional interrogatories filed by the opposite parties. The Defendant exercised legal discretion in not opposing them, considering that opposing such applications would only waste multiple hearing dates on procedural arguments rather than substantive issues. The Plaintiff himself appeared before the NCDRC and stated that he had no objection to the filing of additional interrogatories, making his current allegation entirely baseless.

66. The Plaintiff further alleges that the Defendant was responsible for the delay in disposing of the consumer complaint before the NCDRC. This claim is entirely false. The Defendant diligently handled the case, completed pleadings, filed necessary applications, and ensured the case was ready for final hearing by October 21, 2016. At this stage, the Plaintiff instructed the Defendant to withdraw from the case and decided to handle the proceedings himself. From that point onwards, the Plaintiff has been solely responsible for the management of his case. Even after the Defendant's withdrawal, the Plaintiff continued to seek his advice, which was given in good faith. The Plaintiff, having represented himself for over six

years, cannot now shift the blame onto the Defendant for delays that occurred under his own handling of the matter.

67. The Plaintiff has further alleged a conflict of interest, claiming that the Defendant represented Tata Motors, Tata Engineering & Locomotive Company, and Tata Motors Finance before the NCDRC, while Tata Main Hospital, Jamshedpur (O.P. No. 2 in the consumer complaint), is part of the Tata Group. This allegation is legally and factually baseless. Tata Main Hospital is owned by Tata Steel Ltd., a separate legal entity. The Defendant has never represented or advised Tata Main Hospital, Tata Steel Ltd., or any related entity in Consumer Complaint No. 83/2013. Representing other Tata Group companies in unrelated matters before the NCDRC does not amount to a conflict of interest. The Plaintiff's allegations are speculative, unfounded, and aimed at tarnishing the Defendant's professional reputation.

68. The present suit is an abuse of the judicial process, intended to harass the Defendant and damage his professional credibility. The Defendant reserves the right to file a counterclaim against the Plaintiff for harassment, mental agony, wastage of time and resources, and damage to professional reputation.

69. The Defendant, in light of the false and defamatory allegations made by the Plaintiff, raises a counterclaim of Rs. 5,00,000/- for the following reasons:

- a) *Defamation and Damage to Professional Reputation:*  
The Plaintiff has made baseless and malicious allegations against the Defendant, which have caused serious harm to his standing in the legal profession.
- b) *Harassment and Mental Agony:* The Plaintiff's repeated accusations, despite the Defendant's diligent representation and legal prudence, have caused undue stress.
- c) *Wastage of Time and Resources:* The Defendant has had to defend himself against false accusations, diverting his time and effort from his professional commitments.
- d) *Loss of Income and Professional Standing:* The Plaintiff's attempt to tarnish the Defendant's reputation has resulted in professional and financial loss.

70. It is therefore respectfully prayed that this Court dismiss the Plaintiff's suit with exemplary costs and allow the Defendant's counterclaim for Rs. 5,00,000/- along with litigation costs and interest.

***Rejoinder to the written statement***

71. The Plaintiff submits this rejoinder to refute the contentions raised by the Defendant in his written statement. The Defendant's response is a deliberate attempt to divert attention from the real issue, which is his professional misconduct, negligence, and conflict of interest while handling the Plaintiff's consumer case

before NCDRC. Instead of addressing these core issues, the Defendant has sought to mislead this Court by introducing unrelated findings of the Hon'ble Delhi High Court and Hon'ble Supreme Court regarding the qualifications of the accused doctor.

72. It is evident that the Defendant has suppressed material facts while selectively placing on record orders that suit his narrative. The Plaintiff has never sought a declaration regarding the genuineness of the MBBS degree of the accused doctor in Writ Petition (C) No. 277/2017. The Defendant has misrepresented the findings of the Hon'ble Delhi High Court, which merely recorded submissions made by Ranchi University and the accused doctor without conducting an independent verification. Crucially, the Defendant has concealed orders dated 31.07.2017 and 04.08.2017, wherein the accused doctor was directed to produce original documents to establish his qualifications. The Defendant has also failed to mention that the issue of the accused doctor's qualifications remains sub judice before the Hon'ble Supreme Court in a pending civil appeal.

73. The Plaintiff asserts that the Defendant was grossly negligent in handling the consumer case and failed to act in the best interest of his client. Despite having access to multiple RTI responses from MGM Medical College, Ranchi University, and Bihar Medical Council—none of whom could produce a copy of the accused doctor's

MBBS degree—the Defendant refused to challenge the doctor’s qualifications before NCDRC. His inaction allowed the Opposite Parties to suppress crucial evidence and delay the proceedings to their advantage. The Defendant’s failure to oppose the expunging of Expert Medical Opinion of Dr. Dipak Ranjan Das further demonstrates his lack of diligence. The Hon’ble Supreme Court has unequivocally held that cross-examination of a witness is not mandatory in consumer proceedings, yet the Defendant did not cite this precedent or object when the expert opinion was removed from the record. Once the Plaintiff took over the case, an application was filed for reinstatement of Dr. Das’s opinion, and upon receiving fresh summons, Dr. Das voluntarily responded to the interrogatories. This clearly establishes that the Defendant’s argument, that forcing an unwilling witness could be counterproductive, was merely an excuse for his failure to act.

74. The Plaintiff also strongly refutes the Defendant’s justification regarding his conflict of interest. The Defendant has attempted to downplay the issue by claiming that his representation of Tata Motors, Tata Locomotives, and Tata Motors Finance before NCDRC does not amount to a conflict of interest since he never represented Tata Steel, which owns Tata Main Hospital. This argument is untenable. Tata Sons is the primary promoter company of all Tata entities, including Tata Steel, Tata Motors, and Tata Motors Finance. The

Defendant began representing Tata group companies only after taking control of the Plaintiff's case, raising serious doubts about his professional integrity. His failure to disclose these engagements to the Plaintiff constitutes a clear violation of professional ethics under the Advocates Act. Given his repeated lapses in legal strategy, reluctance to challenge the accused doctor's qualifications, and silence on key procedural matters, the Defendant's conduct gives rise to a reasonable apprehension of collusion with the Opposite Parties.

75. The Defendant's counterclaim of Rs. 5,00,000/- for alleged harassment and mental agony is nothing but an intimidatory tactic aimed at discouraging the Plaintiff from seeking justice. It lacks merit and should be dismissed outright. The Plaintiff reiterates that the Defendant's conduct severely prejudiced the consumer case. The Defendant filed a defective plaint, failed to frame the right questions, allowed the Opposite Parties to manipulate the proceedings, and limited the scope of the case to medical negligence while deliberately ignoring the issue of impersonation and fraudulent medical qualifications. The first four years of the consumer case, from 2013 to 2016, were rendered infructuous due to the Defendant's flawed strategy. It was only after the Plaintiff assumed direct control of the case that the matter progressed meaningfully.

76. The Plaintiff categorically denies the Defendant's claim that his services were rendered with diligence and

competence. The Plaintiff had sought the Defendant's expertise in good faith, believing that he would act in the best interest of the case. Instead, the Defendant betrayed that trust by failing to exercise due diligence, ignoring crucial evidence, and ultimately prejudicing the Plaintiff's case before NCDRC. The Plaintiff further states that the severance letter dated 09.07.2020, sent to the Defendant, contained nine specific questions regarding his unprofessional conduct, none of which the Defendant has addressed. His refusal to answer these questions or refund the fees paid to him indicates an admission of guilt.

77. In light of the above, the Plaintiff prays that this Court dismiss the Defendant's baseless defenses, reject his counterclaim, and grant the full relief sought in the suit. This includes the refund of Rs. 97,500/- paid to the Defendant, compensation for mental agony, and legal costs incurred by the Plaintiff. The Court is also urged to take cognizance of the Defendant's professional misconduct and pass appropriate orders to ensure that justice is served.

### **Plaintiff's Evidence**

#### **PW-1/ Sh. Shishir Chand, Plaintiff**

78. PW-1 tendered evidence through an affidavit, exhibited as ***Ex. PW1/A***, which bore signatures at points A and B. In support of the case, PW-1 relied upon the following documents:



- o Mark A : Copy of the consumer complaint dated 04.04.2013 filed by defendant at NCDRC.
- o Ex. PW1/1 (colly) : Copy of bank account statement of plaintiff.
- o Mark B : Copy of order dated 30.04.2013 passed by NCDRC.
- o Mark C : Copy of order dated 18.11.2013 passed by NCDRC.
- o Ex.PW1/2 (colly.) (9 pages): Copy of emails exchanged between plaintiff and defendant in January, March and April, 2016.
- o Mark D : Copy of order dated 16.02.2016 passed by NCDRC.
- o Mark E : Copy of order dated 12.08.2016 passed by NCDRC.
- o Ex. PW1/3 : Copy of synopsis for final arguments shared by defendant with the plaintiff on email.
- o Ex.PW1/4 : Copy of bank account statement of plaintiff.
- o Mark F : Copy of application filed by plaintiff before NCDRC seeking discharge of defendant.
- o Mark G : Copy of newspaper report published in the Telegraph, Calcutta Edition.
- o Mark H : Copy of orders passed by Hon'ble High Court of Delhi in writ petition civil of plaintiff no. 10452/2016.
- o Mark I : Copy of order passed by Hon'ble Supreme Cour of India in civil appeal diary no. 1550/202

- o Mark J : Copy of FIR lodged by the plaintiff dated 25.07.2021.
- o Mark K : Copy of order passed by NCDRC dated 07.08.2013 in RP 626/2013.
- o Mark L : Copy of order dated 18.11.2013 passed by NCDRC in FA no. 794/2012.
- o Mark M : Copy of order dated 16.09.2014 passed by NCDRC in RP no. 3810/2013.
- o Mark N : Copy of order dated 14.01.2019 passed by NCDRC in RP no. 1196/2013.
- o Ex. PW1/5 : Copy of severance letter issued by plaintiff to defendant dated 09.07.2020.
- o Ex.PW1/6 : Copy of reply dated 10.07.2020 of defendant to the severance letter.
- o Mark O : Copy of counter affidavit filed by Ranchi University, Delhi High Court.
- o Mark P : Copy of counter affidavit filed by Dr. Atul Chhabra in Delhi High Court.
- o Mark R : Copy of RTI application and reply of UGC to the plaintiff.
- o Mark S : Copy of order dated 24.05.2022 passed by Hon'ble High Court of Delhi in civil contempt case of the petitioner against MCI, Tata Steel, Ranchi University and Dr. Atul Chhabra.
- o Ex. PW1/7 (colly.) : Copy of email exchanged between plaintiff and defendant dated 14.09.2013 and 15.09.2013.

- o Ex. PW1/8 : Certificate under Section 65 B of Indian Evidence Act.
- o Mark Q (Colly.) : Copy of forged MBBS degree of Dr. Atul Chhabra along with order of Jharkhand High Court passed in criminal Misc. case titled S.S Hussan Vs. State of Bihar dated 17.05.2005.

**Evidence Affidavit of PW-1 (Shishir Chand, Plaintiff)**

79.PW-1, deposed that his younger brother passed away on 21.05.2011 due to alleged impersonation, cheating, and medical malpractice by an unqualified doctor employed by Tata Steel in Jamshedpur. Seeking legal recourse, PW-1 engaged the Defendant, an advocate, in January 2013 to represent him in a consumer case before the National Consumer Disputes Redressal Commission (NCDRC), New Delhi.

80.To address the criminal aspect of the matter, PW-1 lodged an FIR No. 164/2014 at Bistupur P.S., Jamshedpur, under Sections 304 and 304A IPC against Tata Steel's General Manager and the alleged impersonator. Additionally, complaints were made to the Bihar Medical Council, followed by an appeal before the erstwhile Medical Council of India (MCI). PW-1 alleged that Tata Steel, being an influential corporate entity, used its power to subvert the criminal investigation, interfere in the

disciplinary proceedings, and, in collusion with the Defendant, delay, dilute, and prejudice his consumer case.

81. As a result of these alleged manipulations, 12 IPS officers from Jharkhand Police, mostly from CB-CID, were facing prosecution in Criminal Writ Petition No. 106/2009 before the Jharkhand High Court, and former MCI officials were facing contempt proceedings before the Delhi High Court in Civil Contempt Case No. 839/2019. Despite the passage of over nine years since the institution of the consumer case on 04.04.2013, PW-1 asserted that it remained pending before NCDRC, attributing the delay to the Defendant's deliberate reluctance to challenge the alleged fake medical qualifications of the impersonator between 2013 and 2016.

82. PW-1 expressed his belief that the Defendant was influenced by Tata Steel from the very inception of the case and acted in a manner prejudicial to the complainant's interest. Although suspicions regarding the Defendant's professional conduct arose in 2016, it was in March 2020 that PW-1 discovered that the Defendant had received lucrative legal briefs from various Tata Group companies after the initiation of the consumer case, thereby creating a conflict of interest. Copies of four such briefs were placed on record as evidence.

83. Despite being confronted with allegations of conflict of interest, the Defendant, in the written statement filed on 16.08.2022, failed to produce any document proving prior

engagement with Tata Group companies before 04.04.2013. By concealing this relationship, PW-1 alleged that the Defendant violated Section 35 of the Advocates Act, 1961, and the Bar Council of India's Code of Ethics.

84. Between January and April 2016, PW-1 corresponded with the Defendant via email, presenting substantial evidence regarding the allegedly fake MBBS degree of the impersonator and seeking legal advice on filing an interlocutory application before NCDRC to bring the evidence on record. The Defendant, however, dismissed the suggestion, stating that no action should be taken unless there was irrefutable proof of fraud. Despite multiple attempts to engage the Defendant on the issue, including in-person meetings, PW-1 claimed that the Defendant exhibited no interest in challenging the impersonator's qualification before NCDRC.

85. Due to the Defendant's alleged negligence and MCI's inaction, PW-1 was compelled to file Writ Petition (C) No. 277/2017 before the Delhi High Court, wherein MCI, Bihar Medical Council, Ranchi University, and the impersonator were impleaded as respondents. Engaging multiple advocates, including Senior Advocate Anand Grover, PW-1 pursued legal proceedings through an LPA (No. 693/2017) and an SLP (No. 41865/2018) before the Supreme Court. During these proceedings, Ranchi University's counter affidavit revealed contradictions regarding the mode of the impersonator's MBBS admission—one document indicated admission under the

85% state quota, while the MBBS Admission Register, obtained under RTI, reflected admission under the 15% CBSE quota. These contradictions were placed on record as part of the case.

86. Further, in LPA No. 693/2017, the impersonator claimed to have secured an All-India Rank of 1890 in the CBSE AIPMT 1989 exam but admitted to having no documentary proof of selection. However, records indicated that only 1400 seats were allotted under the normal course that year, further raising doubts about the veracity of the impersonator's admission claim.

87. PW-1 asserted that the impersonator's MBBS degree was forged and fraudulently issued in 1998 under the purported signature of an acting Vice-Chancellor of Ranchi University, who had criminal antecedents. Supporting evidence, including UGC's concerns over the degree's legitimacy, was placed on record.

88. During W.P. (C) No. 277/2017 proceedings, PW-1 contended that Tata Steel's counsel misled the Delhi High Court, resulting in an erroneous order. However, in subsequent contempt proceedings, the Hon'ble High Court issued notices to MCI, Tata Steel, Ranchi University, and the impersonator, indicating judicial acknowledgment of the allegations. PW-1 also scrutinized the consumer complaint filed by the Defendant at NCDRC and found it deficient in several respects. The complaint failed to seek interest on compensation, did not implead the deceased's

employer or the Bihar Medical Council, and suffered from other drafting flaws. These omissions, according to PW-1, suggested a deliberate attempt by the Defendant to weaken the case.

89. Further, in 2016, the expert medical opinion of Dr. Dipak Ranjan Das, a government cardiologist who had furnished evidence in favor of PW-1's case, was expunged from the NCDRC record due to non-reply to interrogatories. PW-1 accused the Defendant of failing to oppose this move, despite the settled law laid down by the Supreme Court in the Dr. Kunal Saha case regarding the admissibility of expert medical opinions in consumer proceedings. Consequently, PW-1 personally appeared before NCDRC and successfully secured the reinstatement of Dr. Das's expert opinion, proving that the expunction was unjustified.

90. PW-1 further stated that his last professional engagement with the Defendant was in January 2017, when the Defendant was asked to draft a synopsis for final arguments. Upon reviewing the four-page document, PW-1 found it to be superficial, lacking legal references, and ineffective in countering the opposing arguments. Dissatisfied, he engaged another advocate to prepare a more robust argument.

91. Ultimately, PW-1 suspended the Defendant's services in February 2017 and formally moved an application (IA No. 3290/2020) before NCDRC in March 2020 to discharge

the Defendant. Subsequently, a Letter of Severance was issued on 09.07.2020, wherein PW-1 posed nine questions to the Defendant regarding professional misconduct and sought a refund of Rs. 97,500/- in legal fees. The Defendant neither responded to the allegations nor refunded the amount, prompting PW-1 to pursue legal recovery.

92.To substantiate the fee payment, bank statements were placed on record. Additionally, PW-1 stated that due to the Defendant's alleged deficiencies, he had to engage multiple advocates at the Hon'ble High Court and Supreme Court, incurring additional costs of approximately Rs. 2,00,000/-. Eventually, NCDRC allowed IA No. 3290/2020 on 28.03.2022, formally relieving the Defendant from his role in the case.

93.PW-1 concluded that the Defendant's unprofessional conduct, conflict of interest, negligence, and deficiency in service severely prejudiced the consumer case, caused undue delay, and imposed an additional financial burden.

### **Cross-examination of PW-1**

94.During cross-examination, PW-1 was confronted with the fact that Writ Petition (C) No. 277/2017 had been filed before the Hon'ble High Court of Delhi and that a final order had been pronounced in the said writ petition on 30.08.2017. While acknowledging the pronouncement of the order, PW-1 categorically denied the suggestion that



the said order contained a conclusive finding on the authenticity of Dr. Atul Chhabra's medical degree. The court had merely recorded that it found no immediate reason to further verify his qualification based on the documents produced before it at that stage. However, these documents, including a copy of the MBBS degree, had been placed before the court without an accompanying affidavit and had never been subjected to forensic scrutiny.

95. PW-1 further submitted that the said order had been challenged before the Division Bench of the Hon'ble High Court of Delhi in LPA No. 693/2017. The Division Bench, in its order dated 26.04.2018, had not rendered any absolute or final finding on the authenticity of Dr. Atul Chhabra's degree but had merely observed that he had attended a medical college and had produced a degree before the court. No forensic examination of the degree had been conducted at any stage. PW-1 had also filed a Review Petition (R.A. No. 246/2018), which was dismissed, and subsequently, a Special Leave Petition (SLP No. 41865/2018) before the Hon'ble Supreme Court of India, which was dismissed in limine. However, PW-1 emphasized that a dismissal in limine did not amount to an affirmation of findings on merit, nor did it create any binding precedent in law.

96. It was incorrect to suggest that these orders had been suppressed or withheld from the present suit. The reason for their omission was that the present case pertained to

the professional misconduct of the defendant in handling the consumer complaint before the NCDRC, and the findings of the Hon'ble Delhi High Court in a writ petition were not directly relevant to this issue. The qualification of Dr. Atul Chhabra remained in dispute, and fresh evidence had emerged establishing that his educational credentials, including his Intermediate (10+2) and B.Sc. degree, were fraudulent. FIRs had been lodged, and multiple court proceedings were ongoing in this regard.

97. Concerns regarding Dr. Atul Chhabra's qualifications had been raised as early as January 2016, and multiple emails had been sent to the defendant regarding these apprehensions. In response, the defendant had stated that he was not in favor of bringing up the issue of the degree unless there was irrefutable proof of its falsity. However, subsequent investigations had revealed that Dr. Atul Chhabra was indeed in possession of multiple fake degrees. The defendant's failure to challenge his qualifications at the appropriate time had resulted in unnecessary delays and had prejudiced the consumer case.

98. It was also incorrect to suggest that the suit had been filed without taking legal advice. Having been actively litigating in various forums for over a decade, PW-1 was well aware of the professional lapses committed by the defendant. These included the failure to challenge the doctor's qualification, failure to properly represent the case, which led to the expunging of crucial expert medical opinion, and the revelation that the defendant had later

received lucrative briefs from Tata Group companies after being engaged as counsel in the NCDRC case.

99. Evidence had been placed on record showing that the defendant had been engaged in four cases by Tata Group companies after the institution of the consumer complaint in 2013. It was firmly believed that the defendant had not represented Tata Motors before this engagement. Details of these cases had been obtained from the NCDRC website, Google searches, and RTI applications. The defendant had not produced any documents to establish that he had been engaged by Tata Group companies before being retained by PW-1, reinforcing the belief that he had been induced by Tata Sons with lucrative briefs in a quid pro quo arrangement.

100. During further cross-examination, PW-1 reiterated that the reply given by Dr. Deepak Ranjan Das had not been filed before this court. However, it was clarified that Dr. Das, a cardiologist employed by the State Government of Odisha, had initially provided expert medical opinion in support of the case but was later subjected to intimidation by Tata Steel, leading him to express his inability to assist further. The defendant had failed to challenge the expunging of Dr. Das's expert opinion from the record, despite the settled legal position established in the landmark Dr. Kunal Saha case, which held that the Evidence Act did not strictly apply to consumer proceedings and that cross-examination was not mandatory. Consequently, PW-1 had appeared in person

before the NCDRC and successfully argued for the reinstatement of Dr. Das's expert opinion, leading to the issuance of a fresh notice to him. Dr. Das had ultimately furnished replies to the interrogatories, which further strengthened the case by reaffirming that the patient's death had resulted from gross medical negligence.

101. The defendant had also failed to implead crucial parties such as the Bihar Medical Council, which had issued a medical license to the doctor, and the employer of the deceased brother, Timken India Ltd. Given the severity and gravity of the case, these entities should have been made parties in the consumer complaint. The defendant's omissions had severely compromised the case and delayed its resolution.

102. It was incorrect to suggest that media attention had been pursued solely for publicity. As the Delhi Coordinator of PBT India, an NGO dedicated to assisting victims of medical negligence, PW-1 had a duty to highlight such cases. However, the discharge of the defendant had been solely based on his professional misconduct and not for personal gain.

103. Regarding the delay in seeking interest on compensation, PW-1 acknowledged that IA No. 3291/2020 had been filed before the NCDRC seeking an additional prayer for interest from the date of filing the complaint. Although this application had been dismissed due to a delay of seven years, it did not negate the

defendant's initial lapse in failing to explicitly pray for interest in the original complaint.

104. It was categorically denied that the allegations against the defendant were baseless. The professional misconduct, negligence, and deficiency in service on the defendant's part had been established through multiple instances, including his failure to challenge the fraudulent qualification of the treating doctor, his inaction when key expert evidence was expunged, and his conflict of interest in accepting engagements from Tata Group companies after taking up the consumer case.

**Defendant's Evidence**

**DW-1/ Sh. T. V. George, Defendant**

105. DW-1/ Defendant, Sh. T. V. George, tendered his evidence by way of an affidavit, which was exhibited as Ex. DW1/1, bearing his signatures at points A and B. In support of his testimony, DW-1 relied upon the following documents:

- o Ex. DW1/2 – Certified copy of the final order passed by the Hon'ble NCDRC in F.A. No. 394 of 2019 dated 12.01.2024.
- o Ex. DW1/3 – Certified copy of the final order passed by the Hon'ble NCDRC in Consumer Complaint No. 2860 of 2017 dated 11.10.2023.

- o Ex. DW1/4 – Certified copy of the final order passed by the Hon’ble NCDRC in RP No. 3123 of 2016 dated 28.08.2019.
- o Ex. DW1/5 – Certified copy of the final order passed by the Hon’ble NCDRC in RP No. 3464 of 2016 dated 13.11.2023.
- o Ex. DW1/6 – Certified copy of the final order passed by the Single Judge of the Hon’ble High Court of Delhi in W.P. (C) No. 277 of 2017 dated 30.08.2017.
- o Ex. DW1/7 – Certified copy of the final order passed by the Division Bench of the Hon’ble High Court of Delhi in LPA No. 693 of 2017 dated 26.04.2018.
- o Ex. DW1/8 – Certified copy of the final order passed by the Division Bench of the Hon’ble High Court of Delhi in Review Petition No. 246 of 2018 in LPA No. 693 of 2017 dated 06.07.2018.
- o Ex. DW1/9 – Certified copy of the final order passed by the Hon’ble Supreme Court in SLP (C) Diary No. 41865 of 2018 dated 22.11.2018.
- o Ex. DW1/10 – Certified copy of the order in RP No. 4428 of 2009 dated 29.08.2013, passed by the Hon’ble NCDRC.
- o Mark DW1/A – Copy of the order in RP No. 2564 of 2010 dated 03.09.2010, passed by the Hon’ble NCDRC.
- o Ex. DW1/11 (Colly.) – Certified copy of the record of proceedings in Consumer Complaint No. 83 of 2013.

**Evidence Affidavit of DW-1 (Defendant, T.V. George)**

106. T.V. George, an advocate with over two decades of legal practice, has built a reputation for professionalism and integrity. Enrolled in 1996, he has been practicing before the Hon'ble Supreme Court since 2001 and was recognized as an Advocate-on-Record in 2004. His legal career spans multiple courts, including the Hon'ble Delhi High Court and the National Consumer Disputes Redressal Commission (NCDRC), with around 400 reported judgments in esteemed law journals such as SCC and AIR. Throughout his career, he has conducted cases with utmost sincerity, diligence, and adherence to legal ethics.

107. In January 2013, the plaintiff, on the recommendation of Dr. Kunal Saha, a well-known figure in medical negligence litigation, engaged his legal services for a case concerning the alleged wrongful death of the plaintiff's brother due to medical negligence. A fee structure was agreed upon, Rs. 40,000/- for drafting pleadings and Rs. 3,500/- per appearance. The defendant meticulously handled all aspects of the case, including filing pleadings, drafting interrogatories, responding to the opposite party's interrogatories, and filing interlocutory applications before the NCDRC. By 21st October 2016, all pleadings and evidence were completed without any delays attributable to him.

108. However, shortly after, the plaintiff informed the defendant that his services were no longer required and that he would personally handle the case. The decision to discharge the defendant was not due to any deficiency in service but rather because the plaintiff sought to gain personal recognition and media attention. Since then, the plaintiff actively engaged with print and electronic media, portraying himself as a legal crusader.

109. After taking over the case, the plaintiff began filing a series of unnecessary and counterproductive interlocutory applications before the NCDRC. When the commission did not rule in his favor, he made baseless allegations of bias against its members, leading to multiple judges recusing themselves from the matter. This resulted in considerable delays in the case, which the plaintiff later sought to attribute to the defendant.

110. Three years after the consumer complaint was filed, the plaintiff raised concerns regarding the authenticity of the doctor's MBBS degree, urging the defendant to incorporate this claim into the case. The defendant, exercising professional caution, advised against making such allegations without conclusive proof, a position he communicated to the plaintiff via email on 3rd November 2016. The plaintiff, however, disregarded this legal counsel and proceeded to approach the Delhi High Court and the Supreme Court through different advocates. These courts, after hearing the matter in multiple proceedings



between 2017 and 2018, conclusively upheld the validity of the doctor's degree. The plaintiff, despite these rulings, suppressed this fact and continued making false accusations against the defendant.

111. Another grievance raised by the plaintiff was that the defendant had not compelled Dr. Deepak Ranjan Das, a government cardiologist and a key expert witness, to respond to interrogatories filed by the opposite party. Initially, Dr. Das provided an expert medical opinion favoring the plaintiff's case. However, due to alleged pressure from his employer, he later refused to respond to the interrogatories. The defendant, exercising professional judgment, cautioned that forcing an unwilling witness to testify could be detrimental to the case. The plaintiff ignored this advice and later coerced Dr. Das into submitting responses. Despite this, the plaintiff refused to place Dr. Das's replies on record before the court, giving rise to a strong presumption that the replies were unfavorable to him.

112. The plaintiff further alleged that the defendant had caused delays in the consumer complaint's disposal. In reality, the defendant had completed all pleadings and evidence by October 2016, and was never given the opportunity to argue the case. After assuming control, the plaintiff himself managed the case for over six years, yet later sought to blame the defendant for the prolonged litigation.

113. The plaintiff also raised concerns over the structure of the legal submissions made by the defendant, particularly regarding a four-page synopsis filed before the NCDRC. The defendant clarified that NCDRC had specifically directed both parties to submit short summaries of no more than 3-4 pages, which he duly complied with. The plaintiff's claim stemmed from a misunderstanding between a synopsis and a detailed written submission.

114. Another major allegation involved a purported conflict of interest between the defendant and Tata Group companies. The plaintiff accused the defendant of colluding with Tata Steel, as he had previously represented Tata Motors, Tata Finance, and TELCO in other cases. The defendant refuted these allegations, pointing out that these companies were separate legal entities from Tata Steel and Tata Main Hospital and that he had never advised or represented Tata Steel in any matter, let alone in the plaintiff's case.

115. The plaintiff also asserted that the defendant failed to seek interest on the compensation amount in the consumer complaint. However, the NCDRC itself ruled that no separate prayer for interest was required, and when the plaintiff later filed an application to add such a request, it was rejected by the NCDRC on the same grounds.

116. Regarding the non-impleadment of the employer and the Bihar Medical Council, the plaintiff alleged that the defendant had been negligent in excluding these parties as opposite parties in the consumer complaint. The defendant dismissed this claim as a misinterpretation of legal principles, explaining that employers of deceased patients are not necessary parties in medical negligence claims. Similarly, the plaintiff's assertion that Tata Main Hospital should have been named as Opposite Party No.1 instead of the doctor was legally unfounded, as the cause title arrangement does not affect liability determination in consumer cases.

117. The defendant further contended that the plaintiff's malicious litigation had severely damaged his professional reputation and caused immense mental distress. The plaintiff deliberately circulated copies of the suit in the Supreme Court's advocate chambers, leading to unwarranted speculation among his peers and professional colleagues. Conversations in the Supreme Court's common canteen further confirmed that the case had been weaponized to tarnish the defendant's name.

118. Given the malicious nature of the suit, the defendant decided to counterclaim for defamation, harassment, mental agony, and financial loss, limiting the claim to Rs. 3 lakhs for jurisdictional purposes, though the actual damages were far greater.

119. To substantiate his defense, the defendant relied on multiple judicial orders from NCDRC, Delhi High Court, and the Supreme Court, including:
- o Final rulings from NCDRC in various appeals and review petitions.
  - o High Court orders in Writ Petition, LPA, and Review Petitions, all confirming the validity of the doctor's degree.
  - o Supreme Court's dismissal of the plaintiff's Special Leave Petition (SLP) in 2018, further affirming the findings of lower courts.

120. The defendant asserted that the entire case was a misuse of the legal system, aimed at harassing and defaming him for personal and media-driven motives. The plaintiff had repeatedly suppressed unfavorable judicial findings, filed baseless applications, and disregarded sound legal advice. Given these facts, the defendant sought dismissal of the suit and a counterclaim for damages.

### **Cross-Examination of DW-1**

121. During cross-examination, DW-1 confirmed that the plaintiff had engaged his services in January 2013 for filing a consumer complaint at NCDRC concerning allegations of medical negligence. He denied any omission in the drafting of the consumer complaint, including the

failure to implead the employer of the deceased or to seek interest on compensation.

122. Regarding his professional engagements with Tata Group companies, DW-1 stated that he had been representing them in NCDRC matters since at least 2010. He denied the assertion that he had been offered multiple cases by Tata Group only after taking up the plaintiff's case. When questioned on potential conflicts of interest, he stated that he could not recall specific provisions of the Advocates Act, 1961, without referring to the statute.

123. On the issue of the accused doctor's medical qualifications, DW-1 maintained that judicial proceedings should be based on clear and irrefutable evidence rather than allegations or suspicions. He acknowledged that he had advised the plaintiff against challenging the medical qualifications of the doctor in NCDRC due to a lack of concrete proof. He further stated that unless reliable material was provided, he would consider a doctor in regular medical practice as duly qualified.

124. When asked about the legal findings on the accused doctor's degree, DW-1 stated that the Single Bench of the Hon'ble Delhi High Court had upheld the validity of the MBBS degree, a finding later affirmed by the Division Bench. The plaintiff's Special Leave Petition before the Hon'ble Supreme Court had also been dismissed in limine. He described the plaintiff's allegations of fraud and deceit in securing these judgments as baseless and noted that

filing multiple cases did not establish the veracity of such allegations.

125. Regarding criminal cases against Tata Steel and the accused doctor, DW-1 admitted to knowledge of certain FIRs based on documents filed in the present case but reiterated that the existence of an FIR or legal proceedings alone does not prove the allegations. He denied any awareness of alleged fraud played upon Hon'ble Delhi High Court and stated that obtaining orders through deceit was not a simple matter.

126. When questioned about the expunging of the expert medical opinion of Dr. Deepak Ranjan Das, DW-1 confirmed that the NCDRC had removed the opinion after the witness refused to answer interrogatories. He disagreed with the plaintiff's interpretation of Dr. Kunal Saha's case, stating that the ruling only applied where the opposite party failed to cross-examine a witness, which was not the situation in the present case. He rejected the suggestion that he had conspired with Tata Steel to suppress the expert opinion.

127. DW-1 also confirmed that he was aware that the plaintiff had later persuaded NCDRC to reinstate Dr. Deepak Ranjan Das's expert opinion, but he asserted that compelling a reluctant witness to testify could be risky. He pointed out that the plaintiff had not placed the doctor's replies to interrogatories before this Hon'ble Court,

implying that they may not have been favorable to the plaintiff's case.

128. Regarding the cause title of the consumer complaint, DW-1 stated that Dr. Atul Chhabra was named as Opposite Party No. 1 because he was the treating doctor, and there was no fixed liability ratio between a hospital and a doctor in medical negligence cases. He refuted allegations that the cause title had been deliberately framed to shield Tata Steel from reputational harm.

129. He acknowledged that NCDRC had rejected the plaintiff's recent attempt to modify the cause title, a decision strongly opposed by Tata Steel. However, he denied any involvement in corporate image management for Tata Steel and instead stated that he had suffered significant professional and reputational damage due to the plaintiff's "malicious and frivolous" allegations.

### **Analysis and Findings**

#### **Issue No. 1:**

*Whether the plaintiff is entitled to a decree for recovery of Rs. 97,500/- along with interest @ 18% per annum, as prayed for in prayer clause (ii)? (OPP)*

130. The Onus to prove this issue was upon the plaintiff. Prayer clause (ii) of the plaint reads as follows:-

*“Pass a decree in favor of the Plaintiff for recovery of fees paid by the Plaintiff to the Defendant during*

*the four-year period from March 2013 to January 2017 and amounting to Rs 97,500/- along with interest @ 18% per annum.”*

131. The present suit has been instituted by the plaintiff seeking recovery of Rs. 97,500/- paid as legal fees to the defendant, along with interest at the rate of 18% per annum. The plaintiff has also sought compensation of Rs. 50,000/- for alleged harassment and mental agony, litigation costs of Rs. 20,000/-, and other reliefs. The defendant has denied the allegations and has counterclaimed damages for reputational harm and mental distress.

132. The burden of proof lay on the plaintiff to establish that the amount of Rs. 97,500/- was paid to the defendant for legal services that were not duly rendered, or that the defendant's services were deficient to the extent that a refund was warranted. The plaintiff was required to demonstrate that the defendant either failed in his professional duty, acted negligently, or caused substantial harm to the plaintiff's case. To substantiate his claim, the plaintiff primarily relied on two allegations:

- o That the defendant did not challenge the qualifications of the doctor accused in the consumer complaint.
- o That the defendant was allegedly compromised due to professional engagements with Tata Group companies, thereby leading to a conflict of interest.



133. However, a careful examination of the evidence reveals that the defendant duly performed his professional obligations as a legal representative. The record shows that the defendant drafted and filed the consumer complaint, prepared the pleadings, ensured compliance with procedural requirements before the NCDRC, etc. Furthermore, he advised the plaintiff on legal strategy, including the risks of making unverified allegations in a legal forum. The defendant's involvement extended over several years until he was discharged by the plaintiff in 2016, at which point the plaintiff began appearing in person.

134. Regarding the plaintiff's contention that the defendant should have raised the issue of the doctor's alleged fake MBBS degree, it is pertinent to note that the defendant's role was to act within the framework of legally admissible evidence and ethical practice. The decision to refrain from making such an allegation without conclusive proof was a professional judgment, which cannot retrospectively be labeled as negligence. Judicial records indicate that the Hon'ble Delhi High Court and the Hon'ble Supreme Court later adjudicated the same issue. Therefore, even if the defendant had raised this contention at the NCDRC, the final outcome would not have been altered.

135. Moreover, the plaintiff has not provided any direct evidence to establish that the defendant had been “compromised” or influenced by Tata Group companies. The assertion that the defendant represented Tata Group entities in other matters before the NCDRC does not, by itself, establish a conflict of interest in the plaintiff’s case. There is no evidence to suggest that the defendant had any pre-existing engagement with Tata Steel (to the prejudice of the plaintiff), the entity against whom the consumer complaint was filed.

136. In civil litigation, the refund of professional fees can only be granted if it is proven that the professional failed in their duty, acted fraudulently, or displayed gross incompetence. The plaintiff has failed to establish any of these conditions. Legal representation involves strategic decisions, and merely because a litigant is dissatisfied with the outcome of a case does not entitle them to a refund of fees. The defendant’s professional decisions, including his reluctance to make allegations without irrefutable proof, cannot be equated with negligence.

137. Accordingly, the plaintiff has failed to establish that the fee paid was unearned or that there was any deficiency in service. This issue is decided against the plaintiff.

**Issue No. 2.**

*Whether the plaintiff is entitled to pendente lite and future interest @ 18% from the date of filing till realization, as prayed for in prayer clause (iii)? (OPP)*

138. The Onus to prove this issue was upon the plaintiff.

Prayer clause (iii) of the plaint reads as follows:-

*“Pass a decree in favor of the Plaintiff for Pendilite and future interest @18% from the date of filing of this compliant till actual receipt of the amount.”*

139. Since the claim for recovery of Rs. 97,500/- has been denied, the claim for pendente lite and future interest also does not sustain. The rate of interest claimed is exorbitant and has no contractual or statutory basis. This issue is decided against the plaintiff.

**Issue No. 3:**

*Whether the plaintiff is entitled to a decree directing the defendant to compensate the plaintiff by paying a lump sum amount of Rs. 50,000/- for harassment and mental agony, as prayed for in prayer clause (iv)? (OPP)*

140. The Onus to prove this issue was upon the plaintiff.

Prayer clause (iv) of the plaint reads as follows:-

*“Pass an Order in favor of the Plaintiff directing Defendant to compensate the Plaintiff a lumpsum amount of Rs 50,000/- for causing mental agony, pain, harassment on account of deficiency of service and duplication of efforts and for prejudicing and delaying the consumer case of the complainant.”*

141. In considering the plaintiff's claim for compensation of Rs. 50,000/- for alleged harassment and mental agony, it is essential to evaluate whether the defendant engaged in conduct that was wrongful, reckless, or fraudulent. The burden of proof lay on the plaintiff to establish that the

defendant acted in a manner that caused undue hardship, distress, or mental trauma beyond the ordinary course of legal representation. However, no substantive evidence has been presented to support such a conclusion.

142. The facts reveal that the plaintiff had engaged the defendant as his legal counsel for a consumer case, and the defendant duly performed his professional duties. The record reflects that the defendant prepared pleadings, facilitated the examination of witnesses, and complied with all procedural formalities before the NCDRC. There is no evidence to suggest that the defendant acted negligently, unethically, or in a manner detrimental to the plaintiff's interests.

143. A key aspect to consider is that the plaintiff himself chose to discharge the defendant from legal representation and took over the conduct of the case. If any grievance existed regarding the quality of legal services, the appropriate remedy would have been to raise such issues at the relevant stage rather than belatedly asserting claims of mental agony. Dissatisfaction with legal strategy, no matter how strongly felt, does not give rise to a claim for harassment, particularly when the plaintiff had the autonomy to seek alternative counsel.

144. The allegations primarily stem from the plaintiff's contention that the defendant failed to challenge the medical qualifications of a doctor before the consumer

commission. However, judicial records demonstrate that the issue of the doctor's credentials was independently adjudicated before the Hon'ble Delhi High Court and the Hon'ble Supreme Court. The defendant's decision not to raise unsubstantiated claims in the consumer complaint was a matter of legal strategy and professional judgment, not negligence or malafide intent.

145. Furthermore, no evidence has been presented to indicate that the defendant engaged in any conduct intended to cause distress or inconvenience to the plaintiff. Legal representation inherently involves strategic decision-making, and an advocate's approach may not always align with the expectations of a client. However, such differences do not amount to harassment or mental agony in the legal sense. The plaintiff has failed to establish any fraudulent misrepresentation, coercion, or deliberate misconduct on the part of the defendant that would warrant compensation.

146. Given these considerations, the claim for Rs. 50,000/- as compensation for harassment and mental agony is unsubstantiated and legally untenable. The claim appears to be more of a retrospective attempt to attribute legal setbacks to the defendant rather than a well-founded grievance based on proven facts.

147. Accordingly, the court finds no basis to grant the relief sought, and this issue is decided against the plaintiff.

**Issue No. 4.**

*Whether the plaintiff is entitled to litigation cost of Rs. 20,000/-,  
as prayed for in prayer clause (v)? (OPP)*

148. The Onus to prove this issue was upon the Plaintiff.

Prayer clause (v) of the plaint reads as follows:-

*“Pass an order in favour of the Plaintiff for litigation  
cost amounting to Rs 20,000/-”*

149. Since the plaintiff has failed to establish his claim,  
he is not entitled to litigation costs. This issue is decided  
against the plaintiff.

**Issue No. 5.**

*Whether the present suit has been filed without any cause of  
action? (OPD)*

150. The Onus to prove this issue was upon the  
defendant.

151. A cause of action is a fundamental prerequisite for  
the institution of any legal proceeding, requiring the  
plaintiff to demonstrate that a legal right has been violated  
or that an actionable wrong has been committed by the  
defendant. In the present case, the plaintiff's grievances  
stem from his dissatisfaction with the legal representation  
provided by the defendant in a consumer case. However,  
dissatisfaction alone, without concrete evidence of  
professional misconduct or gross negligence, does not  
constitute a valid cause of action.

152. The plaintiff voluntarily engaged the defendant as legal counsel and subsequently discharged him before the conclusion of the case. The record indicates that the defendant performed his professional duties by drafting pleadings, ensuring compliance with procedural requirements before the NCDRC etc. The plaintiff's primary contention revolves around the defendant's decision not to challenge the medical qualifications of a doctor involved in the case. However, as previously established, this issue was adjudicated separately by the Hon'ble Delhi High Court and the Hon'ble Supreme Court. The defendant's decision to refrain from raising an unsubstantiated claim was a matter of professional judgment and legal strategy, not an act of negligence.

153. For a suit to be maintainable, the plaintiff must demonstrate a direct legal injury or a breach of duty that gives rise to a legally enforceable claim. In this instance, the plaintiff has failed to provide any evidence that the defendant's actions amounted to professional misconduct, breach of contract, or a violation of any legal duty. The mere fact that the plaintiff was dissatisfied with certain legal decisions or outcomes does not confer upon him a cause of action, particularly when he had the option to seek alternative counsel and continue the litigation.

154. Furthermore, the plaintiff's allegations appear to be retrospective attempts to attribute legal setbacks to the defendant, rather than genuine claims supported by legal

principles or factual evidence. Courts have consistently held that professional decisions made by advocates in good faith and in the best interest of their clients do not provide grounds for legal action, unless it is proven that such decisions were made with malafide intent, recklessness, or gross incompetence.

155. The absence of any demonstrable breach of professional duty or legal wrongdoing by the defendant reinforces the conclusion that the present suit lacks a substantive cause of action. It appears to be an attempt to seek compensation for perceived grievances that do not hold legal merit. The claim does not establish a justiciable controversy warranting judicial intervention.

156. Accordingly, this issue is decided in favor of the defendant, as the suit appears to have been filed without a valid cause of action.

**Issue No. 6:**

*Whether the present suit has not been properly valued for purposes of court fee? (OPD)*

157. The Onus to prove this issue was upon the defendant.

158. The valuation of a suit for the purpose of court fees is governed by the Court Fees Act, 1870, and relevant procedural laws. The primary consideration in determining whether a suit has been properly valued is whether the



valuation corresponds to the reliefs claimed by the plaintiff and whether the appropriate court fees have been paid.

159. In the present case, the defendant has raised an objection that the suit has not been properly valued for the purpose of court fees. However, the burden of proof to establish such a contention lies upon the defendant. The defendant was required to demonstrate that the plaintiff either undervalued the claims in an attempt to evade payment of the requisite court fees or incorrectly assessed the reliefs sought. However, the defendant has failed to present any conclusive evidence or legal basis to substantiate this claim.

160. The plaintiff, on the other hand, has sought recovery of Rs.97,500/- along with claims for compensation, interest, and litigation costs. There is no apparent discrepancy in the manner in which the suit has been valued, nor is there any indication that the plaintiff has deliberately under-valued the suit to pay a lesser court fee. Moreover, if there had been any material deficiency in the court fee paid, the court would have had the authority to direct the plaintiff to make good the shortfall. However, no such deficiency has been established on record.

161. In cases where a party alleges improper valuation, it must be shown that such valuation affects the jurisdiction of the court or prejudices the rights of the opposing party. In the absence of any such showing, mere allegations of improper valuation remain unsubstantiated. Since the

defendant has failed to discharge the burden of proof on this issue, there is no reason to conclude that the suit has been undervalued.

162. Accordingly, this issue is decided against the defendant.

**Issue No. 7.**

*Whether the present suit is barred by limitation? (OPD)*

163. Th Onus to prove this issue was upon the defendant.

164. Under the Limitation Act, 1963, a suit for recovery of money based on a contract must be instituted within three years from the date on which the right to sue accrues. The crux of the issue in this case is determining when the cause of action arose and whether the plaintiff's claim falls within the statutory limitation period.

165. The plaintiff engaged the services of the defendant in 2013 for legal representation in a consumer dispute. The professional engagement between the parties continued until the plaintiff formally discharged the defendant in 2016. If the plaintiff had any grievance regarding the defendant's legal services, including allegations of negligence, misconduct, or deficiency, the right to seek legal recourse would have arisen at the latest in 2016, when the professional relationship was terminated. Consequently, the limitation period for filing a suit for

recovery of money or compensation would have expired by 2019.

166. However, the present suit was instituted in 2021, which is beyond the three-year statutory period. The plaintiff has neither provided any cogent explanation for the delay nor demonstrated the existence of a continuous cause of action that would extend the limitation period. The plaintiff has also failed to show any acknowledgment of liability by the defendant that could have extended the limitation under Section 18 of the Limitation Act.

167. It is well settled that limitation laws are not mere technicalities but substantive provisions that govern the enforceability of legal rights. Courts are bound to reject claims that are time-barred unless the delay is satisfactorily explained or falls within recognized exceptions. In this case, the plaintiff has not provided any valid justification for the delay, and no special circumstances exist to warrant condonation of the same.

168. Accordingly, the suit is barred by limitation, and this issue is decided in favor of the defendant.

**Relief**

169. In view of the findings on the issues framed, no relief can be granted to the plaintiff. The suit filed by the plaintiff is hereby dismissed.

170. No Order as to costs.

171. Decree Sheet be prepared accordingly.

*File be consigned to record Room after due compliance.*

**Announced in the open court  
on 07.03.2025.**

**ANURADHA  
JINDAL**

**(ANURADHA JINDAL)**

**ASCJ-cum-JSCC-CUM-GJ (South)**

**Saket Courts, New Delhi**

Digitally signed  
by ANURADHA  
JINDAL

Date: 2025.03.07  
6.18.07 530