



\$~78

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 711/2023, CM APPL. 54473/2023 & CM APPL. 54474/2023**
BAR COUNCIL OF INDIAAppellant

Through: Mr. Pramod Kumar Dubey, Senior Advocate with Mr. Preet Pal Singh, Mr. Akshay Amritanshu, Ms. Drishti Saraf and Ms. Pragya Upadhyay, Advocates. (M: 9931282222)

versus

DEAYOUNG JUNG AND ANRRespondents

Through: Mr. Ashim Sood, Mr. Ekansh Gupta, Mr. Prateek Kundu, Mr. Ankur Singhal, Ms. Isha Khurana, Advocates for R-1. (M: 8800668970).

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **18.03.2025**

1. This hearing has been done through hybrid mode.
2. The present appeal has been filed by the Appellant- Bar Council of India under Clause X of the Letters Patent assailing the judgement dated 30th May 2023 passed in **W.P.(C) 8015/2020** by the Id. Single Judge.
3. Ld. counsel appearing for the Appellant- Bar Council of India submits that he has still not received instructions in respect of the reciprocity given by South Korea to Indian lawyers. The Court notes in paragraph 3 of the initial order dated 18th October, 2023, the reciprocity issue has been sufficiently captured in the following terms:

“3. It must be noted that in the Impugned Judgement, the Ld. Single Judge undertook a thorough examination of the applicable statutes under South



Korean Law, specifically the Attorney-At-Law Act and the National Bar Examination Act and arrived at a conclusion that there exists no nationality bar disentitling Indian citizens, who are otherwise qualified, from practicing law in South Korea. The Id. Single Judge also noted the clarifications provided by the President of the Korean Bar Association and the Ministry of Justice, South Korea to the effect that in the absence of a nationality bar in the statutory framework, any individual could take the bar exam and practice law in South Korea.”

4. Another cause for concern in this case is that the Id. Single Judge in **W.P. (C) 8015/220**, had directed issuance of enrolment with the Bar Council of India to the Respondent No. 1. The relevant extract of the judgment of Id. Single Judge reads as under:

*“79. Accordingly, and for all the aforesaid reasons, the instant writ petition is allowed. The impugned order dated 23 July 2020 is quashed and set aside. **The BCI is directed to process the petitioner's application for enrolment forthwith in accordance with law.**”*

5. After the said judgement, enrolment was issued and the Respondent No. 1 appeared in the All India Bar Examination (‘AIBE’).

6. As per Mr. Sood, Id. Counsel appearing on behalf of the Respondent No. 1, initially the Respondent No. 1 was reflected as having passed the AIBE examination, however, thereafter, the portal reflects that his result has been withheld. Mr. Sood, Id. Counsel further submits that in fact in the order dated 29th October, 2024, the Court clearly directed as under:-

“1. Learned senior counsel for the appellant prays for further time to comply with the order dated 29.07.2024.



2. While adjourning the matter, we make it clear that since this Court has till date, **neither issued notice in the appeal nor stayed the impugned order, the appellant will in the meanwhile and subject to outcome of the present appeal, comply with the same.**

3. List on 23.12.2024.”

7. This Court is of the opinion that in the absence of any stay which has been granted by this Court against the Id. Single Judge’s judgment, withholding the enrolment of the Respondent No.1 would not be permissible.

8. Under these circumstances, the enrolment shall be issued immediately to the Respondent No. 1 within a period of two days.

9. List this appeal for hearing on 28th March, 2025. There shall be no adjournment on the next date.

PRATHIBA M. SINGH, J

RAJNEESH KUMAR GUPTA, J

MARCH 18, 2025/nd/ck