

DELIVERED 4TH DECEMBER 1991

In the Matter of THE LEGAL PRACTITIONERS ACT, 1981  
re: SAEED ASIF MIRZA

No. 2546 of 1991

Date of Hearing: 4th December 1991

FULL COURT

Coram: King CJ, White and Bollen JJ.

J U D G M E N T of the Honourable the Chief Justice (ex tempore)  
(The Hon Justice White and the Hon Justice Bollen  
concurring)

Counsel for the Law Society: Mr S Walsh, QC  
with Mr M A Young

Solicitors for the Law Society: Ward & Partners

No appearance by Respondent

Judgment No. S3171

In the Matter of the LEGAL PRACTITIONERS ACT, 1981  
re: SAEED ASIF MIRZA

Full Court

King CJ:

This is an application by the Law Society to strike the practitioner's name from the Roll of Practitioners, in consequence of a finding by the Legal Practitioners Disciplinary Tribunal that the practitioner was guilty of unprofessional conduct.

The practitioner has absented himself from the jurisdiction, and is presently residing in Pakistan. He left the jurisdiction after the finding of the Legal Practitioners Disciplinary Tribunal was published, and when he was well aware that disciplinary proceedings against him were in progress. He left no instructions with the solicitors who had been acting for him, either to accept service of proceedings, or in relation to the matter generally.

The Law Society has done everything that can reasonably be done, in the circumstances, to bring the present application to the notice of the practitioner, and, indeed, has communicated information concerning the proceedings to the practitioner's address in Pakistan.

In all the circumstances, I consider that this court should act upon the findings of the Legal Practitioners Disciplinary Tribunal, and should make the order sought by the Law Society.

WHITE J:           I agree.

BOLLEN J:          I agree.

KING CJ: The order of the court is that the name of the practitioner, Saeed Asif Mirza, be struck off the Roll of Legal Practitioners.

Are you seeking costs?

MR WALSH QC: Yes, I do seek costs, if the court pleases.

KING CJ: Order that the practitioner pay to the Law Society costs of proceedings.

Are you seeking costs of the proceedings before the Tribunal?

MR WALSH QC: The Tribunal certainly made an order in relation to the issue of costs.

KING CJ: It made its own order.

MR WALSH QC: Yes, it has power to do that.

KING CJ: It wasn't formally the case. We don't need to bother with that.

WHITE J: They can be enforced in the general way.

MR WALSH QC: I believe so. The Act provides for that. My learned friend informs me that we have not enforced those costs, but -

WHITE J: They can be.

MR WALSH QC: Yes.

KING CJ: Order that the practitioner pay to the Law Society the costs of the proceedings to be taxed.

I should indicate also that there is no suppression order in this matter. The practice has been to list these matters as 'In Re a Legal Practitioner', but there is no reason why the practitioner's name cannot be published. I simply make that intimation.