

**IN THE SUPREME COURT OF SEYCHELLES**

**Civil Side: XP 164/2014**

**[2014] SCSC 395**

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**In the matter of**

**Ex Parte:**

**Kundan Kumar Mishra**

**Advocate on record Supreme Court of India of Ch. No: 80**

**A. K. Sen Chambers Block, Supreme Court of India,**

**New Delhi-110001, India**

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Heard: 28 October 2014

Counsel: Mr. J. Renaud for Applicant

Delivered: 28 October 2014

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ORDER

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**D. Karunakaran, Acting Chief Justice**

[1] The applicant in this matter, seeks this Court for an order admitting him to appear and practice as an Attorney-at-law in the Courts of Seychelles for a limited purpose and right of audience. The application is made under Section 12(1) of the Legal Practitioners Act Cap 111.

[2] The applicant, **Kundan Kumar Mishra** is a practicing Advocate in India. He was called to the Bar and got enrolled as an Advocate in 2004, before the Bar Council of Delhi and is now practicing at the Bar of the Supreme Court of India. The applicant has been briefed by one “Mr. Raminder Singh Panesar” in civil proceedings instituted by

Hedge Funds Investment Management Limited against Hedgeintro Investment Limited, in the Supreme Court of Seychelles in Commercial Case No. 4 of 2012 and for appeals if any, which may arise therefrom. The said applicant as lead Counsel will be assisted by Mr. John Renaud, a Senior Counsel of the Seychelles Bar in the said proceedings.

[3] In the circumstances, now the applicant desires to be admitted to appear and practice before the Supreme Court of Seychelles in the said proceedings namely, Commercial Case No. 4 of 2012 and in appeals if any, which may arise therefrom.

[4] I carefully considered the application made by the applicant for his admission to practice before the Courts in the Republic of Seychelles for a limited purpose. I meticulously perused the affidavit and other documents filed in support of the motion. Having given careful thought to the entire circumstances of his request, I find that the applicant is eligible for admission in terms of Section 5 (1) (a) (i) of the Legal Practitioners Act as he has been called to and stands enrolled as an advocate at the Bar in India, which being a designated country under the Act. I also find the applicant a fit and proper person to be allowed to practice as an Attorney at Law and conduct the proceedings as Counsel before the Supreme Court of Seychelles in Commercial Case No. 4 of 2012 and in appeals if any, that may result therefrom.

[5] Accordingly, I hereby grant right of audience in terms of Section 12(1) of the Legal Practitioners Act to the applicant to appear as Attorney at Law/Counsel in the said proceedings and conduct those proceedings with due diligence and with the assistance of the learned senior counsel Mr. John Renaud. The limited audience in this respect is granted to the applicant on the following conditions:-

(1) The applicant should take an oath of office to practice as Attorney at Law with right of audience before all Courts and Tribunals established by law in the Republic of Seychelles.

(2) The applicant should sign a Security Bond in the sum of Rs.50, 000/- for his Professional ethics and conduct within the jurisdiction of Seychelles with two sureties in the like sum.

- (3) During the period of his limited right of audience, he shall not accept any other briefs or cases in respect of any other client's apart from the one involved in the proceedings hereinbefore mentioned in this matter.
- (4) During the period of the said limited right of audience, he will not engage in any other occupation, business or render services legal or otherwise to any other person or company or any other entity in Seychelles.
- (5) The Limited Right of audience is granted only in respect of the proceedings hereinbefore mentioned and to appear before all the courts in the Republic of Seychelles and even before the Court of Appeal if necessary.
- (6) The Limited Right of Audience granted hereby shall not exceed a period of six months from the date of taking oath or any such period that may be extended by the Court upon request made by the applicant in this matter; and
- (7) The applicant shall conduct the proceeding as Lead Counsel who will be assisted by Mr. John Renaud, a Senior Counsel of the Seychelles Bar.
- (8) For the avoidance of doubt, the applicant should comply with other statutory requirements as to his employment permit and legal practice license in accordance with the laws of Seychelles.

### **Further Order**

- [6] I hereby direct the Registrar of the Supreme Court to enter the name of the applicant as an attorney in the relevant Register maintained by the Registry in terms of Section 12(4) of the Legal Practitioner's Act and issue a "Certificate of Limited Practice" for the applicant, valid for six months from the date of taking oath. The applicant may also be furnished with a copy of this order.

Signed, dated and delivered at Ile du Port on 28 October 2014

D Karunakaran  
**Acting Chief Justice**