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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 2897/2011

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Judgment dated 23.11.2011

RAJ KUMAR ADVOCATE & ANR

..... Plaintiffs

Through : Mr. V. Sudeer and Ms. Soumyashree
Kulkarni, Advs.

versus

DELHI HIGH COURT BAR ASSOCIATION & ORS Defendants

Through : Mr. Viraj R. Dattar, Adv. for Delhi
High Court Bar Association.
Mr. Dr. A.S. Chandhiok, Sr.
Advocate, defendant no.2 in person.
Mr. D.K. Sharma, Advocate,
defendant no.3 in person.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

1. Whether the Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to Reporter or not? Yes
3. Whether the judgment should be reported in the Digest? Yes

G.S.SISTANI, J. (ORAL)

I.A.NO.18604/2011.

1. This is an application filed by the plaintiffs' seeking enlargement of time in filing the Court fee.
2. Learned counsel for the plaintiffs submits that court fee has been applied for and the same shall be filed within one week from today.
3. In view of the stand taken by counsel for the plaintiffs, present application stands disposed of.

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4. Plaintiffs have filed the present suit for declaration and permanent injunction.
5. Issue summons in the suit and notice in the application. Learned counsel for the defendants accept summons in the suit and notice in the application.
6. Learned counsel for the plaintiffs submits that grievance of the plaintiffs is that plaintiffs have been singled out and defendants have failed to follow the procedure laid down in the Rules of Delhi High Court Bar Association and no proper notice of termination of membership has been issued by the defendants to the members of Bar including the petitioners herein before terminating their membership.
7. Mr. D.K. Sharma, Secretary of Delhi High Court Bar Association, defendant no.3, submits that plaintiffs have not been singled out and in fact approximately 1400 persons, who had not paid their subscriptions, were issued notices and copies of notices and receipts evidencing dispatch are available in the office of Delhi High Court Bar Association. Mr. Sharma further submits that after following due procedure, as laid down in the Rules, the names of such persons, who had not cleared their arrears, were struck off. Mr. Sharma next submits that necessity for taking such an action has arisen on account of the fact that it had been noticed by Delhi High Court Bar Association that over the years certain persons, who were inducted as members at the convenience and at the instance of certain

contestants, were only travelling to the Delhi High Court as visitors with a membership of Delhi High Court Bar whereas they have never appeared in the Court and in fact they are not even practicing Advocates and were only stock members of some of the contestants. Mr. Sharma also submits that it is only to curtail this malpractice that such an action was initiated and not with a view to single out any individual and proper procedure was followed. It is further submitted by Mr. Sharma that genuine members, who were neither suspended nor their names were struck off from the rolls of Bar Association, had approached Bar Association and in those cases time was initially granted upto 5.10.2011 and thereafter further extended upto 5.12.2011 to enable them to clear the arrears. It is this distinction which has been assailed by the present plaintiffs, who claim themselves to be the regular members of the Delhi High Court Bar Association. It is next submitted by Mr. Sharma that with a view to screen out the members, the Bar Association had formulated a uniform policy according to which at the time when the member who has not cleared his arrears for a reasonably long time and who does not appear to be a practicing member of Delhi High Court Bar Association have been asked to furnish various details to the Bar Association including their current official address, residential address, telephone number, e-mail, etc.

8. Be that as it may, in the interest of Delhi High Court Bar Association and having regard to the fact that the election of Delhi High Court Bar Association has already been announced and with a view not to delay the matter, as an exception for the present and without

admitting any of the allegations made by the plaintiffs in the present suit, it is agreed between the parties that present suit may be disposed of with the following agreed directions:

- (i) All those members who have not cleared their arrears for a period of upto two years [from 22.10.2009] and who have not been suspended will be entitled to make payment of their subscription from their own bank account by 5.12.2011.;
- (ii) The said members will personally appear in the Office of Delhi High Court Bar Association, sign the Register of the Bar Association along with their proof of identification, if required, at the discretion of the Bar Association and will furnish their particulars including current residential address, office address, telephone numbers, mobile numbers, email, etc.;
- (iii) In case of those members who have not paid subscriptions and have been suspended, the said members in addition to the above will pay a sum of Rs.3,000/-, as penalty;
- (iv) The second category of the members who have been in arrears of their subscription for more than two years w.e.f. 22.10.2009 or suspended may clear their subscription by 5.12.2011, subject to the Rules of Delhi High Court Bar Association.
- (v) This arrangement has been arrived at taking into consideration the interest of Delhi High Court Bar

Association. Whereas on the one hand the Bar Association would require the funds for effective and smooth functioning of the Association on the other hand concession cannot be accepted from those persons, who do not deserve to be the members and have been made members only for the purpose of casting their votes.

9. Ordered accordingly.

10. In view of above, learned counsel for the plaintiffs does not wish to press present suit leaving all reliefs open for the petitioners to agitate, if so advised, at a later stage.

11. Accordingly, suit and the application stand disposed of.

12. Learned counsel for the plaintiffs submits that since this matter has been resolved amicably through mediation of this Court, plaintiffs should be given benefit of Section 16 of Court Fee Act.

13. Let court fee be refunded to the plaintiffs in terms of Section 16 of Court Fee Act.

14. This Court appreciates the stand taken by the parties and all the members of the Executive Committee, who have assisted this Court to amicably resolve this matter.

15. Let a copy of this order be given DASTI to counsel for the parties under the signatures of Court Master, as prayed.

G.S.SISTANI,J

NOVEMBER 23, 2011

msr