

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

**Judgment Delivered On: 08.11.2016**

**W.P.(C) 8179/2016**

**ESHU CHAUDHARY**

..... Petitioner

Through: None

versus

**DELHI HIGH COURT BAR ASSOCIATION  
AND ORS**

..... Respondents

Through: Mr. Ravikant Chadha, Sr. Advocate,  
Chief Election Commissioner  
Mr. R.K. Watel, Advocate, Election  
Commissioner.  
Mr. Rajiv Khosla, Respondent No.3 in  
person.  
Mr. Rishabh Bansal, Advocate for R-4  
along with Mr. Abhijat, Respondent No.4  
in person

**CORAM:  
HON'BLE MR JUSTICE SIDDHARTH MRIDUL**

**SIDDHARTH MRIDUL, J (ORAL)**

**CM APPL.41013/2016 (Directions)**

The present application under Section 151 of the Code of Civil Procedure, 1908 has been filed on behalf of Ms. Sunita Bhardwaj, who has

offered her candidature for the post of President of the Delhi High Court Bar Association in the ensuing elections, scheduled to be held on 18.11.2016. The present application essentially prays for a direction to the Election Commission to install and utilize Electronic Voting Machines at the ensuing election.

Although, none appears on behalf of the applicant, I am informed by Mr. Ravikant Chadha, Chairperson of the Election Commission as well as Mr. Rajiv Khosla and Mr. Abhijat, current President and Secretary respectively, of the Delhi High Court Bar Association, that Electronic Voting Machines have been requisitioned for the ensuing election and shall be used for casting of votes as well as for counting thereof.

In view of the foregoing, the reliefs sought in the present application stand satisfied.

The application is disposed of accordingly.

**W.P.(C) 8179/2016 & CM APPL.33836/2016**

None appears on behalf of the petitioner. There was no appearance on behalf of the petitioner on the last date of hearing as well.

The present petition under Article 226 of the Constitution of India was instituted, *inter alia*, praying for a writ of mandamus, directing the respondents to conduct the election to the executive of the Delhi High Court Bar Association, in accord with the Rules and election by-laws, effective from

01.10.2012. That issue is no longer res-integra, inasmuch as, by way of order dated 19.09.2016, passed by the Court of ADJ-03, Patiala House Courts, New Delhi in Civil Suit No.346/2016, titled as “*Rajiv Khosla vs. Delhi High Court Bar Association & Ors.*”, which order has not been challenged before this Court, and has attained finality, the present issue has already been determined by a Court of competent jurisdiction.

It is further clarified that, insofar as the constitution of the Election Commission is concerned, the said order dated 19.09.2016 has already been modified by this Court by way of order dated 30.09.2016 in C.M.(M) 950/2016, titled as ‘*Abhijat vs. Rajiv Khosla & Ors.*’. The said order dated 30.09.2016 is made absolute.

Before disposing of this petition, it would be appropriate to reiterate the order dated 03.10.2016 whereby the notice pertaining to the schedule for the election to the Delhi High Court Bar Association was taken on record. I am informed at the Bar by Mr. Ravikant Chadha, Chief Election Commissioner, Mr. R.K. Watel, Election Commissioner, Mr. Rajiv Khosla, President of Delhi High Court Bar Association and Mr. Abhijat, Secretary of Delhi High Court Bar Association that the said election schedule, as recorded in the order dated 03.10.2016, is being scrupulously observed and the election, which is scheduled to be held on 18.11.2016, shall be held in accord with the Rules and by-laws of

the Association, as they existed prior to 01.10.2012. Therefore, the said order dated 03.10.2016 is also made absolute.

With the aforesaid directions, the writ petition is disposed of. Pending application also stands disposed of.

**SIDDHARTH MRIDUL, J**

**NOVEMBER 08, 2016**  
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