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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.C.REF. 1/2017

COURT ON ITS OWN MOTION

..... Petitioner

Through: Mr. J.P. Sengh, Senior Advocate and
Amicus Curiae.

versus

INDER SINGH SAROHA

..... Respondent

Through: Mr.I.S. Saroha, respondent in persons.
Mr. Raj Karan Sharma, proxy for Mr.
Pradeep Kumar Arya, Advocate for
respondent No. 2.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

27.11.2017

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Report dated 08.05.2017 has been received from the learned District & Sessions Judge. We have perused the said report. From the report, it appears that with the intervention of other judicial officers including those manning the Family Courts, the learned Principal Judge (North-West – Family Courts) Delhi, Shri Anoop Kumar Mendiratta appears to have amicably resolved the differences.

As per the report, the members of the Rohini Court Bar Association namely, Shri Inder Singh Saroha, Shri Rajiv Tehlan, Shri Ashok Garg and Shri Praveen Dabas, who were the erstwhile

members of the RCBA have stated that in case there is any grievance in future, in relation to any judicial officer of the Rohini Court Complex, they would not directly confront the judicial officer in the open court. Rather, they would approach the learned District & Sessions Judge concerned for redressal of their grievances.

A Judicial Officer discharges his judicial functioning in court in relation to the cases being dealt with by him. A party who may feel aggrieved by an order passed by the judicial officer has adequate judicial remedy under the legal structure and hierarchy of courts being followed in this country. Even if a practice or procedure adopted by a judicial officer is found to be out of the ordinary, by which members of the Bar may be aggrieved, there are several channels available for dealing with the same. Firstly, even such practices/procedures-which may be reflected in judicial orders, may be agitated by way of judicial remedy, including by resort to Article 227 of the Constitution of India before this Court. Secondly, such grievances may be addressed to the concerned District & Sessions Judge. However, such grievances cannot relate to purely judicial orders against which judicial remedy would lie.

The controversy that arose-which led to making of the reference, related to the learned judicial officer requiring the counsels representing the parties to file copies of their identity cards in matters involving exchange of monies under settlements. Presumably, the learned Judge was trying to be over cautious so as to prevent any later endeavour by the parties backing out from the transaction, or claiming

that monies have not been paid or received.

As aforesaid, in our view, the said practice could have been legally assailed, if the concerned party or the counsels were aggrieved. In any event, this was a matter which could have been resolved by making a representation to the concerned District & Sessions Judge. Under no circumstance, the members of the bar can justify storming the court or gheroing the judge in his court, or indulging in any such activity, the purpose of which is to intimidate the judge or disrupt the normal functioning of his court.

The motto of the judicial profession is to advocate the adoption of legal remedies for redressal of even the most complex controversies and disputes. Thus, it is certainly not expected of lawyers and advocates, to themselves leave that path and to adopt any other extra legal methods to ventilate their grievance in relation to orders passed, or practice adopted by a judicial officer in the discharge of his functioning. Adoption of such a course-such as storming the court, or gheroing judicial officer, or having a direct confrontation with him in relation to his judicial functioning, would certainly defeat the rule of law and tantamount to interference with the course of justice, and would also convey to one and all the wrong impression about the manner in which the judicial system-of which the judiciary and the advocates are two wheels, should function. Thus, we disapprove of the manner in which the respondent conducted himself.

However, in view of the report submitted by the learned District and Sessions Judge, North-West dated 08.05.2017, we close this chapter and at this stage, particularly since the respondent has also stated before this court today, that it was not his intention to either interfere in the course of administration of justice, or in any manner to insult or denigrate the judicial officer. He shall remain bound by his assurance given to the learned District & Sessions Judge as recorded in his report dated 08.05.2017.

The reference stands disposed of in the above terms.

VIPIN SANGHI, J

P.S. TEJI, J

NOVEMBER 27, 2017
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