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

+ RSA 106/2017

RAJYA SABHA SECRETARIAT

..... Appellant

Through: Mr. Sanjay Jain, ASG with Mr. Ripu
Dhawan Bhardwaj, CGSC, Mr.
Kartikai Rai, Advocate and Ms.
Shashilekha Nair, Director and Mr.
B.M. Rana, Additional Director in
person.

versus

P S VERMA

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **01.12.2017**

C.M. No.42895/2017 (under Section 151 CPC by appellant)

1. This application is asserted on the basis of a legal opinion given by, no less than the Attorney General of India, as to whether the costs of Rs.50,000/- imposed while dismissing this Regular Second Appeal upon the concerned officer(s) of the appellant should or should not be waived by the Court.

2. The judgment dated 3.8.2017 is a grave reflection on the

appellant and its officers. The judgment in detail shows as to how the process of law has been abused and how the respondent/plaintiff was put to grave harassment till the stage of this second appeal which was dismissed with costs vide judgment dated 3.8.2017.

3. Learned ASG argues that it is difficult to fix the responsibility among different officers of the appellant and especially because the officers of the appellant took legal advice from an Advocate and therefore the appeal was filed.

4. In my opinion the issue as addressed on behalf of the appellant, and also so opined by the Attorney General, can be resolved by this Court observing that the concerned officer who will be liable to pay costs in terms of the judgment dated 3.8.2017 will be the highest officer under whose signatures final decision was taken to file the second appeal. After all an officer cannot say that he will not at all apply his mind and he can simply direct filing of an appeal just and merely because an Advocate has stated that the appeal should be filed, more so considering that the appeal was a Regular Second Appeal requiring existence of a substantial question of law under Section 100 CPC with the fact that the suit filed by the

appellant/defendant was only for Rs.39,010/- and which suit was dismissed by both the courts below thereby showing that there was no merits in the same.

5. Of course if the appellant feels that it has suffered because of its Advocate or Advocates not giving the correct legal opinion, then surely it will be open to the appellant to proceed against its Advocate(s) in accordance with law.

6. Application is therefore dismissed.

VALMIKI J. MEHTA, J

DECEMBER 01, 2017
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