



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Rev.Appl.(MD)No.34 of 2018
in
W.P (MD) No.11636 of 2014

The Secretary
Trust Committee
Tamil Nadu Advocate's Welfare Fund
Bar Council Building
High Court Campus
Chennai - 600 014

... Petitioner

Vs.

Mr.S.Sundaram

... Respondent

Review Application filed under Order 47 Rule 1 read with Section 114 of the Civil Procedure Code praying to review the order passed in W.P.No.11636 of 2014 dated 19.09.2014.

Prayer in WP(MD) . 11636/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the entire records in respect of the letter no. T.N.A.W.F.No.653/2014 dated 28.4.2014 and resoulution dated 5.7.2013 passed by the respondent, quash the same and direct the respondent to admit and continue the petitioner as life member in Tamil Nadu Advocates Welfare Fund.

For Applicant	: Mr.M.Subash Babu
For Respondents	: Mr.S.Sundaram
	Party-in-person

ORDER

Heard Mr.M.Subash Babu, learned standing counsel for the petitioner and Mr.S.Sundaram, appearing in person.

2.This petition has been filed by the Secretary, Trustee committee, Tamil Nadu Advocate's Welfare Fund, Chennai, which was the sole respondent in W.P.No.11636 of 2014, filed by the respondent herein. The respondent filed the said writ petition, challenging an order passed by the petitioner in letter dated 28.04.2014 and the resolution dated 05.07.2013 and for a direction

to the petitioner herein to admit and continue the respondent/writ petitioner as life member in Tamil Nadu Advocates' Welfare Fund.

3. On a perusal of the grounds of review, I find that the petitioner has not been able to point out any error, which is apparent on the face of the record and appears to have filed this review application with regard to certain observations/findings rendered in Paragraphs 22 and 23 of the order in the writ petition. So far as the observations contained in Paragraph 22 of the order is concerned, learned counsel for the petitioner would submit that the respondent/writ petitioner had to submit the application directly to the Trustee Committee and Section 15 of the Tamil Nadu Advocates Welfare Fund Act, 1987 does not mandate that the application should be routed through the Bar Association/Advocates Association. Sub-section (2) of Section 15 states that on receipt of an application under sub-section (1), the Trustee Committee shall make such enquiry as it deems fit and either admit the applicant to the Fund or, for reasons to be recorded in writing, reject the application. The person, who is entitled to apply for membership of the fund, is in terms of Section 15(1) of the Act, which states that every advocate practicing in any Court in the State and being a member of a Bar Association or an Advocates Association, may apply to the Trustee Committee for admission as a member of the Fund in such form as may be prescribed. Thus, the membership in a Bar Association or Advocate Association is a statutory requirement in the instant case. The respondent/writ petitioner would submit that the application was issued by the Bar Association and was filled in and collected by the Bar Association on 01.08.2012 along with a Demand Draft for Rs.200/- in terms of Section 15(3) and this application was forwarded to the Trustee Committee and by that time, the Trustee Committee took up the application for consideration, the cutoff date fixed as 08.09.2012 had expired.

4. The apprehension of the review petitioner is that this order may be cited as a precedent. In my view, there is no ground to review the order. Furthermore, the Court has interpreted the provisions of Section 15 of the Act. In any event, the order will not be a precedent, because on facts it has been established that the petitioner has submitted the application on 01.08.2012 along with a Demand Draft drawn on 01.08.2012. The review petitioner need not have any apprehension that the order passed in the writ petition would be cited as a precedent. The Court took judicial notice of the fact that there was lot of ambiguities in the manner in which the application to be filed before the Trustee Committee especially when the benefits granted under the scheme was enhanced. As there is a condition that the applicant should be a member of the Bar Association / Advocate Association and better control would be exercised if the applications are routed through Bar Association/Advocate Association, the application was sent through the Bar Association. The Court recorded a finding on facts in Paragraph 23 that since the application was sent to Bar Association



on 01.08.2012, it is before the cutoff date i.e, 08.09.2012. Therefore, there is no error apparent on the face of the record to review the order passed in the writ petition.

Accordingly, the review application is dismissed subject to the above clarification. The review petitioner is directed to comply with the direction issued in the writ petition within four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Secretary,
Trust Committee,
Tamil Nadu Advocate's Welfare Fund,
Bar Council Building,
High Court Campus,
Chennai - 600 014.

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RJ/RP/SAR-3/26/07/2018 - 3P/2C

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