

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 4178 of 2018

Date of Decision: 16.08.2018

Arvind Vikramjit Singh

.....Petitioner

Vs.

Bar Association, Jagraon and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Jaswinder Singh, Advocate,
for the petitioner.

Mr. Sumeet Mahajan, Senior Advocate, with
Mr. Amit Kohar, Advocate,
for respondents no. 1 to 3.

Mr. Narinder Singh Dadwal, Advocate,
for respondent no. 4.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to notice issued, Mr. Amit Kohar, Advocate, appears for respondents no. 1 to 3 and Mr. Narinder Singh Dadwal, Advocate, appears for respondent no. 4 and both have filed their respective powers of attorney in Court today, which are taken on record.

By this petition, the petitioner challenges the order of the learned Additional Civil Judge (Senior Division), Jagraon, dated 02.05.2018, by which the petitioners' application filed under Order VII Rule 11 CPC, seeking disclosure of certain documents, has been dismissed.

Learned counsel for the petitioner submits that the documents as were sought to be disclosed by the respondents-defendants are those that were absolutely essential for adjudication of the dispute, the contention of the petitioner-plaintiff in his plaint being that the additional installment towards

allotment of lawyers chambers, as were being constructed in the district courts at Jagraon, was not accepted by the respondents-defendants despite the fact that the petitioner had deposited a sum of Rs. 50,000/- on 07.08.2017.

It has further been contended by him in paragraph 14 of his plaint (copy Annexure P-1), that when on 14.03.2018 the petitioner-plaintiff learnt about the 'plans of the defendants' to allot chambers to members of the Bar Association without considering the application of the plaintiff, and the defendants (allegedly) flatly refused to accede the request of the plaintiff and (again allegedly) held out threats to him to “execute their illegal designs and cause of action is continuing one”, he filed the suit, with the plaint seen to be dated 15.03.2018.

Thus, the contention of learned counsel is that, thereafter, the chambers even having been allotted, the documents as have been sought, referred to in the impugned order, are absolutely necessary documents which should have been disclosed by the respondents-defendants.

He also points to an application filed by the petitioner on 27.04.2018 (copy Annexure P-9), under the provisions of the Right to Information Act, 2005, addressed to respondent no. 4 herein, i.e. the Secretary, Bar Association, Jagraon, in response to which he received a reply on 24.05.2018 (copy Annexure P-10), stating to the effect that the new Executive of the Bar Association had taken charge on 11.04.2018, with the previous Executive not having handed over any documents or record of accounts to it.

Mr. Mahajan, learned Senior Counsel appearing for respondents no. 1 to 3, however first submits that the petitioner not having specifically challenged the allotment to any particular person or having stated in his plaint

that such allotment was contrary to any norms/rules in any manner, the impugned order has been correctly passed by the learned trial Court as, obviously in those circumstances, no such document was required to be disclosed by the respondents-defendants.

He next points to the list of documents sought by the petitioner, vide his application (copy Annexure P-3), which reads as follows:-

“(i) List of total members of Bar Association, Jagraon, who got enrolled with Bar Association as upto 31.12.2017.

(ii) List of members of Bar Association, Jagraon, who got enrolled w.e.f. 01.01.2018 as upto date.

(iii) List of Voters approved by Bar Council, Punjab & Haryana, Chandigarh, eligible for voting in Annual General Elections of Bar Association, Jagraon.

(iv) List of applicants/members who applied for allotment of Chamber out of newly constructed chambers on 2nd floor of Lawyers' Chambers Complex, Jagraon.

(v) Original Proceeding Book of Building Committee, Bar Association, Jagraon, carrying on Resolutions passed from time to time including the one with regard to proposal of construction of new chambers on 2nd Floor of Chambers Complex, inviting of tenders from the Bidding Contractors intending to take up the job of construction of chambers, payment of installments by the aspiring members/Advocates.

(vi) Original Receipt Book/Books carrying details with regard to receipt of Ist, IInd, IIRD and last installments from applicants/members.

(vii) Copy of notice/notices displayed on Notice Board of Bar Association, Jagraon indicating deposit of Ist, IInd, IIRD and last installments.

(viii) Original list of members who had deposited 1st installment.

(ix) *List of members of Bar Association, Jagraon, who have been allotted chambers on 2nd floor of Lawyers' Chambers Complex, Jagraon on 16.03.2018 as mentioned in the written statement filed by respondents/defendants.*

(x) *Details of members of Bar, who have been allotted chambers on 2nd floor of Lawyers' Chambers Complex, Jagraon.*

(xi) *Original Account Book/Ledger/Bank Passport maintained by Building Committee, Bar Association, Jagraon indicating details of receipt of payments from members from time to time and expenses incurred during the course of construction.*

(xii) *Site-plan of newly added chambers as approved by Building Committee, Punjab & Haryana High Court, Chandigarh, indicating details of chambers/their sizes etc.*

(xiii) *Original Resolution adopted by General House of Bar Association, Jagraon regarding appointment of Returning Officer/Assistant Returning Officer.*

(xiv) *Original list of contesting candidates for the post of President, Vice President, Secretary etc. as declared by Returning Officer/Assistant Returning Officer.*

(xv) *Election Results as declared by Returning Officer/Assistant Returning Officer, carrying details about the names of winners/unsuccessful candidates with details of votes polled.*

(xvi) *Photographs of function stated to be performed on 16.03.2018 regarding inauguration of new Chambers Complex on 2nd floor of Lawyers' Chambers Complex, Jagraon for allotment to members of Bar by draw of lots."*

Mr. Mahajan specifically points to the documents listed at serial nos. xii to xvi, to submit that they are not documents in any manner related to

the actual allotment of chambers in any case and are therefore completely irrelevant, they being related to the election to the Executive Committee of the Bar Association and the function related thereto.

He further submits that an application filed under Order XI Rule 14 was misplaced, as the said Rule pertains to the jurisdiction of the Court suo motu to call for any such documents as it considers necessary for proper adjudication of the case.

In rebuttal, learned counsel for the petitioner submits that the petitioner could not have even amended the plaint without it being disclosed to him as to who the persons were who have been allotted chambers; and therefore the documents sought to be disclosed were very much necessary, including those connected with the election to the Executive Committee of the Bar Association, in view of the fact that (as contended), the allotment was made when an 'election code' was already in force pertaining to the election to be held for the year 2018-19, and consequently any allotment was completely barred.

Though I see no reason to not allow this petition at this stage itself, in view of the fact that almost *ex facie* actually, I do see the rationale of the argument raised by learned counsel for the petitioner, however, since Mr. Mahajan has submitted that the application having been filed under Order XI Rule 14 instead of Rule 12 thereof, the respondent-defendants did not have a chance to file a formal reply to the application, the impugned order is set aside, with the learned trial Court to treat the application filed by the petitioner under Order XI Rule 14 CPC (Annexure P-3), to be one filed under Rule 12 of that order, with the respondents-defendants given a chance to file a reply thereto within two weeks from today, after which the trial Court would

hear the matter and pass a fresh order expeditiously, not later than two months from today, naturally taking into account the contents of the reply, if any is filed by the respondents herein, to the said application.

The petition is disposed of accordingly.

August 16, 2018
nitin/dharambir

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes