

SUPREME COURT BAR ASSOCIATION & ORS.

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v.

B.D. KAUSHIK

I.A. No. 6

IN

(Civil Appeal Nos. 3401 of 2003 etc.)

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AUGUST 16, 2012

[ALTAMAS KABIR AND J. CHELAMESWAR, JJ.]

BAR ASSOCIATION:

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Supreme Court Bar Association - Eligibility of Members to contest and vote at the election to Executive Committee - "ONE BAR ONE VOTE" principle - Applicability of - Order of Supreme Court dated 20.7.2012¹ - Modified to the effect that the person who had contested elections or had cast his vote in an election to the Executive Committee of any court annexed Bar Association other than Supreme Court Bar Association (SCBA) and Supreme Court Advocates-on-Record Association (SCAORA) during any of the years 2007 to 2012 could not be allowed to vote to elect the office bearers of the SCBA or to attend the General Body meeting of the SCBA.

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CIVIL APPELLATE JURISDICTION : I.A. No. 6.

IN

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Civil Appeal No. 3401 & 3402 of 2003.

From the Judgment & Order dated 05.04.2003 of the Civil Judge, Delhi in Civil Suit Nos. 100 & 101 of 2003.

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Ranjit Kumar, Dinesh Dwivedi, Sushil K. Jain, Atulesh Kumar, Chanda B. Prasad, Arun Kumar, Narendra Kumar,

1. Supreme Court Bar Association and Ors. vs. B.D. Kaushik 2012 SCR.

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- A Ranjit Kr. Sharma, Milind Kumar, Tripurari Ray, Ravi Shankar Kumar, B.K. Choudhary, Yugal Kishore Prasad, Rajesh Ranjan Rajesh , Parmanand Pandey, Rajesh Aggarwal, Shivaji M. Jadhav, Jitender Mohan Sharma, Dinesh Kumar Garg, Nitin .Kumar Thakur, [Caveator-in-person] for the appearing parties.
- B The Order of the Court was delivered

O R D E R

1. I.A.No.6 has been filed on behalf of the Supreme Court Bar Association and Supreme Court Advocate-on-Record Association, through its Secretary, Mrs. B.Sunita Rao, advocate, for clarification and modification of the judgment/ order dated 20th July, 2012, wherein, while considering the application filed by the SCBA(I.A. No.5 of 2011), certain suggestions made by the Implementation Committee had been accepted.

2. Appearing in support of the said application, copies of which have been served on all the interested parties, including the members of the Implementation Committee, represented by Mr. P.P. Rao and Mr. Ranjit Kumar, learned senior advocates, Mr. Sushil Kumar Jain, learned advocate submitted that one omission appears to have been made in paragraph 14 of the judgment, wherein while considering the principle of ONE BAR ONE VOTE, we had indicated that persons who had contested elections to the Executive Committee of any Court annexed Bar Association, other than the SCBA, during any of the years from 2007 to 2012, could not be allowed to vote to elect the Office Bearers of the SCBA on the aforesaid principle, or to attend the General Body meetings of the SCBA. It was further mentioned that the same would also include a person who had cast his vote in any election to the Executive Committee of any Court annexed Bar Association, other than the SCBA, for the above-mentioned years. It has been pointed out by Mr. Jain that through inadvertence, the Supreme Court Advocate-on-Record Association had not been excluded,

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although, it formed an integral part of the SCBA.

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3. The suggestion is well taken and accepted by all the interested parties represented by learned counsel, and, accordingly, we modify paragraph 14 of the said judgment dated 20th July, 2012, by including the words "AND THE SCAORA" after the words "OTHER THAN THE SCBA" appearing at lines 3 and 4 of the paragraph and also after the same words appearing in line 11 of the said paragraph. Let the said paragraph be modified and read accordingly.

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4. As far as the other prayer made on behalf of the applicant is concerned, with regard to the number of filings in a year, as indicated in paragraph 9 of the judgment, we are convinced that since all advocates and members of the SCBA will be covered by the number of entries into the Supreme Court High Security Zone by the Proximity Card, the same does not require any modification at this stage.

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5. I.A.6 filed in the disposed of appeal(s) is allowed to the aforesaid extent.

R.P.

I.A. Partly allowed.

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