

ITEM NO.38

COURT NO.5

SECTION IV-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 21138/2022

(Arising out of impugned final judgment and order dated 27-10-2022 in CWP No. 24795/2022 passed by the High Court Of Punjab & Haryana At Chandigarh)

M.M. DHONCHAK

Petitioner(s)

VERSUS

DEBTS RECOVERY TRIBUNAL BAR ASSOCIATION &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.178299/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 02-12-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH  
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Daya Krishan Sharma, AOR  
Mr. Rohit Vats, Adv.  
Ms. Sunita Sharma, Adv.  
Mr. I.C. Sharma, Adv.  
Mr. Shubham Rana, Adv.  
Mr. Prashant Bhardwaj, Adv.  
Mr. Vikrant Y.S. Narula, Adv.

For Respondent(s) Mr. Vikas Singh, Sr. Adv.  
Mr. Anand Chhibber, Sr. Adv.  
Mr. Siddharth Batra, AOR  
Mr. K.P.S. Dhillon, Adv.  
Ms. Monika Sharma, Adv.  
Ms. Saurabh Bhardwaj, Adv.  
Mr. Amit Rishi, Adv.  
Ms. Archana Yadav, Adv.  
Mr. Chinmay Dubey, Adv.  
Mr. Rhythm Katyal, Adv.  
Mr. Ashutosh Chugh, Adv.  
Mr. Siddharth Batra, AOR

UPON hearing the counsel the Court made the following  
O R D E R

By the impugned order, the High Court in exercise of powers under Article 227 of the Constitution of India and in a writ

petition filed by the Debts Recovery Tribunal Bar Association, has restrained the Judicial Member of the Tribunal from passing any *adverse orders* in any of the cases (OAs or SAs) pending before him of which he is the Presiding Officer.

Such an interim order of not to pass any *adverse orders* in any of the cases by the Judicial Member of the Tribunal cannot be passed and is unsustainable.

At this stage, Shri Vikas Singh, learned Senior Advocate, appearing on behalf of the original writ petitioner-Bar Association has fairly conceded that, let the concerned Judicial Member of the Tribunal proceed further with the hearing of the cases and decide the same on merits and the members of the Bar shall cooperate. However, he has requested that self-respect of the members of the Bar Association shall also be maintained. He has stated at the Bar that therefore, the Bar has no objection if the impugned order is modified to the extent allowing/permitting the Judicial Member of the Tribunal to proceed further with the hearing of the cases and to decide the same by him on merits.

In that view of the matter, we modify the impugned order passed by the High Court and permit the petitioner-herein, Judicial Member of the Tribunal to proceed further with the hearing of the matters before him and decide the same on merits.

It goes without saying that the Judicial Member as well as the Bar should always try to maintain cordial atmosphere/relationship as both are part of the justice delivery system and both are the two wheels of the chariot of justice. Therefore, it is expected that both the sides may respect each other.

We impress upon the petitioner also to see that there is no unnecessary confrontation and he may decide the cases in accordance with law on its own merits. That does not mean that we have commented upon the conduct on the part of the advocates and/or the petitioner-Judicial Member of the Tribunal.

It goes without saying that wherever the applications are dismissed for non-prosecution, it will be open for the concerned parties to move for restoration, which may be considered positively with a view to see that no injustice is caused to the litigant.

Put up on 12.12.2022.

Let a copy of the petition be served in the office of Shri Tushar Mehta, learned Solicitor General.

(R. NATARAJAN)  
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)  
ASSISTANT REGISTRAR