

**Court No. - 4**

**Case :-** S.C.C. REVISION No. - 105 of 2024

**Revisionist :-** Hazi Tahseen Khan

**Opposite Party :-** Gandhi Mohan Saxena And Another

**Counsel for Revisionist :-** Satish Chandra Dubey

**Counsel for Opposite Party :-** Abhinav Prasad, Mohit Kumar

**Hon'ble Ajit Kumar, J.**

This case is listed as date fixed matter in which mention has been made by learned counsel for the revision petitioner but the learned counsel for the opposite parties is not present. Even on the last occasion adjournment had been sought on behalf of Sri Mohit Kumar, learned counsel for the respondents. Learned counsel for the petitioner pleads urgency.

Before the Court could have proceeded with the hearing of the case, the Bench Secretary placed a letter head of office bearers of Allahabad High Court Bar Association bearing a signature of Honorary Secretary of Allahabad High Court Bar Association Mr. Vikrant Pandey requesting for "No Adverse Order" on 7th, 8th and 9th November, 2024.

In view of above, this Court required Mr. Anil Tiwari, President of High Court, Allahabad Bar Association, Mr. Rajesh Khare, Senior Vice President of Allahabad High Court Bar Association and Mr. Vikrant Pandey, Honorary Secretary of Allahabad High Court Bar Association to show any such resolution adopted by Bar Association or its Executive Body for general circulation for the benches of the High Court not to pass any adverse order in the absence of any counsel.

Neither Mr. Anil Tiwari appeared as is claimed to have not come to the Court, nor Mr. Vikrant Pandey appeared. Mr. Rajesh Khare, Senior Vice President appeared before the Court and upon being asked as to whether any such resolution was adopted by the Bar Association or its Executive Body, he could not say with confidence that any such resolution was adopted either by the general body or executive body of the Association.

It is unfortunate that constitution law Court's functioning is put on hold without considering importance of public time and public money, besides object to ensure speedy justice delivery system.

A Bar Association should understand that Courts working is governed under the rules of the Court and vacations/holidays are already scheduled and except for compelling and unavoidable circumstances, like natural calamities, pandemic etc. and but for untowards incidents when Advocates may not attend the Court, entire Courts working should not be generally affected and that too for certain number of Advocates not able to attend the Court for their personal religious rituals to be performed at home. In such a situation individual request for adjournment should be made and in such a case Court may certainly entertain such requests for adjournment.

The convenience of Bar Association in any pressing or any unavoidable

circumstances are always respected so as to entertain request for no adverse orders, but for that Bar Association or its Executive Body is expected to pass resolution. Any office bearer if writes letter at the instance of few lawyers, it cannot be said to be general view of the Bar and as counsel for the petitioner has insisted for hearing in this case, it requires, therefore, reasons to be recorded for not hearing case and condoning the absence of counsel for the respondent. The Bar is, therefore, expected to cooperate in the routine functioning of the Court and to ensure that administration of justice is not adversely affected otherwise the justice delivery system would crumble.

It is expected that in future whenever Bar Association wants such letters to be circulated to the benches of the High Court seeking no adverse orders, it is always supported by resolution to be adopted by the Bar Association in general and in exceptional circumstances by its Executive Body.

In the interest of justice, the Court is adjourning matter with the condition that on the next date, no further adjournment will be granted to the respondent.

Put up this matter peremptorily on 19.11.2024 on the top of the Board.

Let a copy of this order be sent to Allahabad High Court Bar Association.

**Order Date :- 7.11.2024**

Sanjeev