

MANU/BH/0090/2008

Equivalent Citation: 2008(56)BLJR1684, [2009(1)JCR676(Pat)], 2008(2)PLJR707

IN THE HIGH COURT OF PATNA

CWJC No. 3982 of 2008

Decided On: 09.04.2008

Appellants:**Sudhir Kumar Ojha**
Vs.

Respondent:**The State of Bihar and Ors.**

Hon'ble Judges/Coram:

C.K. Prasad , A.C.J., Barin Ghosh and Jayanandan Singh , JJ.

JUDGMENT

C.K. Prasad, ACJ, Barin Ghosh and Jayanandan Singh, JJ.

1. Lawyers from all over the State are protesting hike in court fees by the Court Fee (Bihar Amendment) Act 2007. They are abstaining from their professional work before all the Courts, Tribunals and Authorities including this Court. This has virtually paralysed their functioning.

2. Mr. Shyama Prasad Mukherjee, Senior Advocate appears on behalf of the petitioner as also the Coordination Committee of the Lawyers of the High Court. Mr. Rajendra Prasad Singh, Senior Advocate, represents the various Bar Associations of the Civil Courts of the State.

3. We expressed our concern to the members of the Bar about the existing situation. We are glad to record that they responded positively.

4. Learned Advocate General states that enhancement of court fees is under review by a Group of Ministers constituted for the purpose in which due representation shall be given to the Associations of Lawyers of the Civil Courts as well as that of the High Court. On our suggestion, he has agreed that the number of invitee Lawyers shall be 15 and, in fact, he has requested that the names be suggested by the Coordination Committee of the Lawyers of the High Court, who, we have been told, have been authorized by various Bar Associations of the State for the purpose.

5. The names suggested, are as follows:

- 1.** President, Bettiah Civil Court Bar Association.
- 2.** General Secretary, Siwan Civil Court Bar Association.
- 3.** General Secretary, Purnea Civil Court Bar Association.
- 4.** President, Gaya Civil Court Bar Association.
- 5.** President, Arrah Civil Court Bar Association.
- 6.** General Secretary, Muzaffarpur Civil Court Bar Association.

7. President, Patna Civil Court Bar Association.
8. Shri S.N.P. Sinha, Senior Advocate, Patna High Court.
9. Shri Rana Pratap Singh, Senior Advocate, Patna High Court.
10. Shri Rajendra Prasad Singh, Senior Advocate, Patna High Court.
11. Shri Yogesh Chandra Verma, Senior Advocate, Patna High Court.
12. Shri Basant Kumar Choudhary, Senior Advocate, Patna High Court.
13. Baleshwar Sharma, Member, Bihar Bar Council.
14. Shri P.K. Jha, Advocate, Patna High Court.
15. Shri Rajiv Roy, Advocate, Patna High Court.

6. Learned Advocate General states that the Committee shall submit its report within four weeks which shall be made available in the Court also.

7. In response to the query, the Advocate General further states that the State Government has no objection, if in the meanwhile, filing of the pleadings etc. in Courts, Tribunals and Authorities are accepted with court fees as in force prior to the coming into force of the Court Fee (Bihar Amendment) Act, 2007, treating the same as acceptance with the deficit court fees, subject to the outcome of the case.

8. In view of aforesaid, Mr. Shyama Prasad Mukherjee, Mr. Rajendra Prasad Singh, Mr. Mr. Yogesh Chandra Verma, Mr. Rana Pratap Singh, Mr. Uma Kant Shukla, Mr. Basant Kumar Choudhary, Mr. Manan Kumar Mishra, Mr. P.K. Jha, Mr. Binay Kant Mani Tripathi and all other lawyers, assure us that the members of the legal fraternity of all over the State shall resume their professional work from tomorrow, i.e. the 10th of April, 2008.

9. We are glad to record the aforesaid submissions.

In view of what has been recorded, let filing of pleadings etc. in Courts, Tribunals, and Authorities be accepted and entertained with court fee in force prior to the coming into force of the Court Fee (Bihar Amendment) Act, 2007 treating the same as acceptance with the deficit court fee, subject to any further order by this Court.

10. Needless to state that the State Government shall be at liberty to take decision in light of the recommendation of the Group of Ministers.

11. Learned Advocate General informs us that the meeting of the Group of Ministers shall be held tomorrow, i.e. 10th of April, 2008 at 2 P.M. in the chambers of Hon'ble Deputy Chief Minister of the State.

12. All the lawyers, above named, shall be attending the said meeting without any notice.

13. List it on 16th of May, 2008 under the same heading.

Let 35 copies of this order be prepared out of which 30 copies be handed over to Mr. Mukherjee so that he may send the same to the Lawyers of various Bar Associations for the needful and 5 copies be handed over to the learned Advocate General.

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