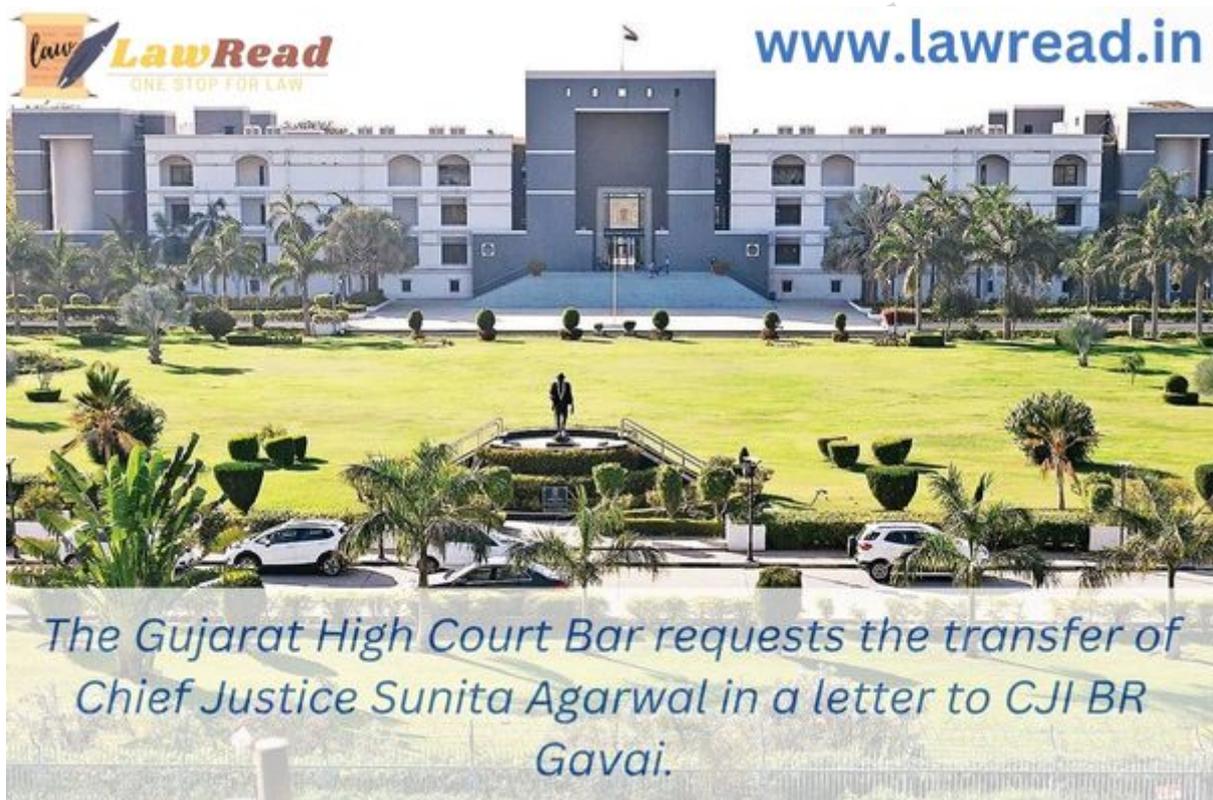


News

The Gujarat High Court Bar requests the transfer of Chief Justice Sunita Agarwal in a letter to CJI BR Gavai.



The Gujarat High Court Advocates' Association (GHCAA) claims that the directive has caused a significant delay in case filing and resolution.

Chief Justice Sunita Agarwal's assignment at the High Court has caused issues for attorneys and litigants, according to a letter from the Gujarat High Court Advocates' Association (GHCAA) to Chief Justice of India (CJI) BR Gavai requesting her relocation.

The most recent petition for Chief Justice Agarwal's transfer stems from the registry's tardiness in clearing filings following a recent directive prohibiting interpolation or overwriting

in the case files.

"We request your Lordship to also consider transferring the current Hon'ble Chief Justice of Gujarat High Court to any other High Court, as it was only after her Ladyship was elevated as Chief Justice of Gujarat High Court that the problems escalated, resulting in the current situation and the main sufferers are litigants and Advocates - especially Junior Members of the Bar," Brijesh Trivedi, president of the GHCAA to the Chief Justice of Gujarat.

An order issued on September 15 by the High Court's Registrar (Judicial) is where the debate started.

"As directed by Honourable Chief Justice, all the Litigants, Stakeholders and Party-in-Person are hereby informed that if any interpolation/correction/ overwriting/ deletion by using whitener/ striking of is found in the Petition/Application, without initials of the Petitioner/Applicant and the Notary concerned, at the time of filing, the same shall not be accepted by the Registry," the instructions stated.

A further directive said that "minor corrections, alterations or deletions can be done by filing draft amendments under the signature of the Advocate/Party-in-Person, as the case may be, which shall be subject to approval by the Registrar (Judicial)."

The GHCAA claims that the directives have caused significant delays in case filing and clearance. The Bar Association tried to meet with Chief Justice Agarwal to resolve the matter, but was told to submit a letter outlining the problems instead, according to the letter to the CJ.

The Bar members reportedly convened with a committee consisting of the three most senior judges after receiving a comprehensive letter. But according to the GHCAA, the issues continued.

"We had a very productive and constructive meeting, and some guidelines were given out... We hoped that now, at the very least, a filing number would be generated as soon as we filed the issue in the Registry, and that when objections such as the ones mentioned above were raised, the Advocates would be allowed to request adjustments

by submitting a straightforward Draft Amendment signed by knowledgeable Advocates. The communication to CJI Gavai stated, "But that hope turned into a nightmare, and thousands of matters have piled up without even being given a filing number. In many cases, even though such Draft Amendments were filed, they were rejected due to the approach of the Registrar Judicial (Shri Pranav Dave), without an order of rejection in the majority of cases, and the files must be frantically searched by the clerks and advocates."

In the letter, GHCAA added that even though they have been promised a resolution to the problems once more, many original files have been lost, and the attorneys or their clerks must plead just to obtain a filing number for their cases.

"But the problem is much bigger, as the Diwali Vacation is falling from 17th October and the Advocates are not able to get even the Bail Applications or Quashing Petitions or any urgent Civil matters registered ... as the numbers are not generated by Registry and no proof of filing is available, many original files are also lost and no one is ready to take responsibility, resulting in great injustice to litigants, for whom this institution is created and the clerks and learned Advocates have to virtually beg to get the matters registered to get even a filing number, resulting in no new and fresh matters being placed before four Hon'ble Courts yesterday (October 07)," the letter continues.

According to the GHCAA, such problems have never arisen in the more than 65 years of Gujarat High Court history.

The GHCAA President has now asked the CJI to personally meet with him and other GHCAA Managing Committee members in order to address the issues brought about by these SOPs, which effectively halts all new filings.