



# GUJARAT HIGH COURT ADVOCATES' ASSOCIATION

1st Floor, Advocate Chamber's Building, High Court Campus, Ahmedabad-60.  
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## President

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## Secretary

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## Joint Secretary

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## Treasurer

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To,  
Respected Shri Vikram Nath,  
Hon'ble the Chief Justice,  
High Court of Gujarat,  
Sola, Ahmedabad-380060.

Date: 5.6.2020

Dear Sir,

A group of 40 advocates came to meet me yesterday. Most of them were juniors. They specifically came to see me not only with a grievance that their matters are not being circulated for number of weeks (which they have accepted now), but to draw my attention to the fact that how matters of billionaires are circulated in no time. They not only expressed their anguish, but frustration and depression too.

2. At least 100 advocates (reserved figure) in last three days, have either approached me or the Secretary General making a serious grievance and complaint that their matters even though filed in a single PDF, for fortnight have not been listed despite of their sincere attempts and efforts. The Registry, it appears, is held bend determined to

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fall prey to nepotism and favouratism. I will only give one example. A wife filed a bail application for and on behalf of her husband and a funny objection raised by the Registry was that the sex of the wife is not stated and for this reason, the matter was not circulated for ten days. I can give similar such 100 examples, notwithstanding your Lordship's clear instructions not to raise any objection other than vakalatnama and affidavit and circulate the matter upon an undertaking of an advocate, for days and months the Registry does not circulate the matters.

3. Shri Gaurav Chudasma is sitting in front of me. His matter was filed on 20<sup>th</sup> May, 2020, and it has not seen the light of the day, not even numbered. Mr. Apurva Kapadia is also sitting before me and he makes a complaint that though his matter is filed on 26.5.2020, despite his best efforts, he is not getting any response from the Registry. Ms. Truptiben whose surname I do not know, not only

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does not pick up the phone but after having read the whatsapp message sent by him, has chosen not to reply. Ms. Shrushti Thula's matter which was filed on 11.5.2020, saw the light of the day today as item No.12 before my Lord. Since other advocates have chosen not to name them, informed me that for more than 20 days, their matters are not circulated. I have on my personal whatsapp received more than 100 messages from different advocates making serious grievance for their matters not being circulated for weeks and for sometime for months. Mr. Ramanandansingh sent me whatsapp message, which reads as under,

*"Request that filling be done through hard copy because if filed is more than 25 mb than the E-mail is done through Google Drive. Thus sometime documents are not added which are relevant."*

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While in certain cases matters are circulated with a paper book of more than 1200 pages and not filed by single PDF, is accepted by the Registry and in no time circulated.

4. Similar such grievances have been raised by Mr. Babubhai Mangukiya, Ms. Kruti Shah, Ms. Subhadra Patel and several other advocates that number of matters filed by them for more than 20-25 days with urgent note have not seen the light of day. One advocate sent me an SMS, which reads as under,

*"At the outset, let me thank you for trying your level best to resolve grievances of members of the BAR. I have a such small grievance.*

*I had filed SCA No.6374/2020 wherein notice was issued before Lockdown but couldn't be listed thereafter because of Lockdown. So, pursuance to Hon'ble Court's notification dated 30.05.2020, I have moved urgent note on 31.05.2020 requesting registry to list aforesaid matter as per latest development whereby final semester exam of the petitioner (student) is re-scheduled from 25th June by the respondent University, wherein the petitioner is debarred to appear in exam and is subject matter of aforesaid petition. I*

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*received reply from the registry that Hon'ble chief justice has deferred your request.*

*So, If matter will not be listed then it would be infructuous and petitioner's career will be ruined. Apart from that, as an Advocate what I will answer to my client who is student."*

5. I am prepared to come to your Lordship to show the miseries and sufferings of the advocates by their communication either by way of text messages or whatsapp messages and I am prepared to show your Lordship all the messages to appreciate the heart burning of the advocates.

6. Now let me show to your goodself why the heart burnings, depression and frustration. I have annexed for your Lordship's perusal the case status reports downloaded from the official website of the High Court. As per the case status, which has been downloaded from the website of the High Court, one Mr. Areez Khambhata filed a petition on 29<sup>th</sup> May, 2020. Everyone knows who is Mr. Areez Khambhata.

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He walks away with the order on 3<sup>rd</sup> of June, 2020. Later on Mr. Paritosh Gupta, AOR, informed me that his matter was filed on 22<sup>nd</sup> May, 2020 but because of overload, his mail went in spam. There is nothing new in it. Thousands of E-mails sent by advocates for registration of their matter have gone in spam. It is only after the E-mails are retrieved by the Registry, it shows date of filing on the day it has retrieved the e-mail. So, it came to the notice of the Registry only on 29.5.2020 about the matter having been filed by Mr. Khambhata and it processed it in one day and listed it on 3.6.2020, inasmuch as 30.5.2020 and 31.5.2020 were Saturday and Sunday. It was processed on Monday and listed before the Hon'ble Court on Tuesday. Another matter is of AAACORP Exim India Pvt. Ltd. The case status as downloaded from the website of the High Court shows the presentation date to be 26.5.2020 and the orders passed are on 3.6.2020. Now, co-relating this with Mr. Apurva

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Kapadia's matter, which is also filed on 26.5.2020 with no defects, poor fellow is still moving from pillar to post to get his matter listed. Thereafter, learned advocate phone me and informed me that his matter was filed on 21.5.2020. However, fact remains that Registry came to know about filling of the matter only on 26.5.2020 when it retrieved the E-mail sent by the learned advocate. The third matter is of a very well known builder called Kasturi Construction Property and Land Developers. As per case status downloaded from the website of the High Court, its presentation date was 29.5.2020 and listed on 4.6.2020. The fourth matter is filed by Sun Pharmaceutical Industries Ltd/erstwhile Ranbxy Laboratories. This is a Taxation matter. None other than Hon'ble the Prime Minister has publically on news channel in his live speech stated that there will be no recovery of tax till lockdown period is over. This matter also as per

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case status downloaded from the website of the High Court of Gujarat, is listed on 1.6.2020. I am told that since the Division Bench was not in favour of granting any relief and was inclined to dismiss it. Now it stands adjourned to 1.7.2020. How can a matter be termed as an urgent one where the petitioner's advocate requests for four weeks time. I have annexed the case status downloaded from the official website of the High Court. The analogy of the first case in mentioning of E-mail having gone to spam and then retrieved, may apply in all these four cases even if there is a justification that E-mail was sent earlier in point of time.

7. With a view to not make this letter lengthy I request your Lordship to give me an appropriate time suitable to your Lordship, wherein I will be further able to show five more cases graver than this, wherein the matters have been circulated in 24 hours or preponed without any note or CA. However, for your Lordship's perusal, I have

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annexed the details of all the five cases. Three of them are of smugglers (according to the Government of India) and two are by top industrial houses.

8. Notwithstanding juniors and non-VIP client making desperate efforts to get the matters registered by sending personal messages to the Deputy Registrar, nothing has been done in their matters. Nobody attends their phone calls. Nobody attends the helpline numbers and bar is now on the verge of frustration and depression. A very clear, unequivocal and certain message is being sent that certain Advocates get top most priority in getting their matters filed and circulated and there cannot be better example than what has been stated above. Depression and frustration have gone beyond limit amongst the advocates. Therefore, the humble and earnest request before your goodself is to start the court physically so that the Hon'ble Judges can

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be assigned the work as per roster and therefore the discretion of the registry cannot be there and every advocate has to uniformly appear before Hon'ble Judge who is assigned the subject as per roster.

9. I would further request your goodself to call for the details from the Registry. Your goodself will find that four or five advocates have filed more than 40 to 70 matters during this lockdown and their matters have been placed not beyond three courts which to the fortune of the Bar are considered liberal judges in the matter of grant of bail, not that for the reason that Hon'ble Judges would have shown them favour but for the reason that those Hon'ble Judges are liberal in their approach. While some advocates who insisted for their matters being circulated were threatened that their matters will be listed before two or three Hon'ble courts by name if they continued insistence

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and actually their matters have been placed. I am prepared to demonstrate the allegations made by me with the help of record which I would request your Lordship to call for. This is something which cannot be tolerated and I request your Lordship not to tolerate the same.

10. Once again I sincerely request your Lordship, to kindly open of the courts physically, inasmuch as there is nothing eternal to be closed, because even if we go by the doctors' opinion and opinion of the experts, there is no likelihood of the vaccine being invented or be made available for at least coming six months and court cannot carry its function by video conferencing indefinitely and especially when such serious complaints are being made. Juniors will breakdown, will have no place to go and like to commit suicide if situation continues as present.

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10. I am in receipt of letters from the President of Metropolitan Magistrate's court, Ahmedabad Rural Court so also from the City Civil Court (with rider) to immediately request your Lordship to open up the courts physically. At the cost of repetition, I sincerely request your Lordship to go through the whatsapp and text messages that I have received to really appreciate in what condition 75% of the members of the Bar are in.

Thanking you,

Yours sincerely,

(Yatin N. Oza)  
President  
GHCAA

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