

M. S. 31 / 22 (Reg. No. 31 / 22)
Present : Smt. Jyotsna Roy (J. O. Code WB00933)

Order no. 05 Dated 08.06.23

Today is fixed for taking fresh step upon defendant no.1.

Plaintiff is absent without taking step owing to a resolution of the Local Bar dated 19.05.23 and 06.06.23, but we have been circulated with the *notification dated 05.03.2022 vide Memo no.1282–RG of the Hon’ble High Court, Calcutta, where from it appears that physical mode of hearing as was prevalent when the situation was normal with the exception that the virtual mode shall also be available to the senior lawyers with co-morbidities or other problems.*

In terms of the said notification of the Hon’ble High Court, Calcutta, and in terms of *AIR 2020 SUPREME COURT 1412 : AIROnline 2020 SC 263* headed by Hon’ble Justice Arun Mishra and M.R. Shah with the observation of the said decisions *Advocates Act (25 of 1961), S. 48 – Constitution of India, Arts. 19 (1) (a), 14, 21- Strikes by advocates- Freedom of speech- To go on strike or boycott*

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courts by Advocates cannot be justified under guise of right of freedom of speech and expression under Art.19 (1)(a) as said right cannot be exercised at the cost of litigants and Justice Delivery System as a whole- Such boycotts tantamount to contempt of Court and in terms of the recent verdict of the Hon'ble Apex Court, headed by Justice MR. Shah and Ahsanuddin Amanulla, that the the Lawyers cannot go on strike or abstain from work. In spite of the said verdict of the Apex Court, Ld. Lawyers have abstained themselves from work. So, the resolution dated 19.05.23 is not considered.

Moreover, cease work in this court was going on for more than one month and the poor litigants are coming and going and this court has been stopped from rendering justice to the litigants by the Resolution of the Local Bar dated 19.05.23. As the suffering of the litigant people is the paramount consideration of this court, so, the abstinence of the Ld. Advocates from work is unethical.

In terms of the above notification and decision of the Hon'ble Apex Court and AIR 2020 Supreme Court 1412 : AIROnline 2020 SC 263, plaintiff is hereby directed to file a show cause as to why the suit shall not be dismissed for non-prosecution.

Fixing 23.08.23 for filing show cause by plaintiff.

Dictated & Corrected by me

Civil Judge (Sr. Divn.), Bishnupur

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