

TS - 167 OF 2019
Regd No. 69 /19

JO Code: 01068
Order No. 34
Date: 22.09.25

Today was fixed for passing order.

Plaintiff files hazira.

Ld advocate for defendants no. 2 and 1,3, 4, 5 and 6 file their two separate haziras.

The defendant no. 1, 3 to 9 by filing petition u/s. 151 of CPC has been mentioned that there are changes in the Kakdwip Court Bar Association and the same should be recorded as subsequent event.

Ld advocate for the defendant no. 2 by filing a petition u/o 22 rule 10 CPC has stated that there are changes in the Executive Committee of Kakdwip Court Bar Association. The Secretary, Vice President and Assistant Secretary have been changed and so plaintiff is required to take proper step upon the persons upon whom the interest devolved, otherwise defendant no. 2 shall not be represented properly in this suit.

On the other hand the plaintiff has filed written objection supported with affidavit against such petitions stating that the plaintiff shall not add or strike out any party to the suit as her grievance is against the persons who are made party in this suit.

During hearing ld advocate for the defendants submitted that the new Secretary of the Bar and the other members of the Executive Committee are the necessary party to this suit and the suit cannot be proceed in absence of necessary party.

On hearing and perusal it appears to me that the plaintiff has filed this suit for declaration that the meeting held on 26.06.2019 and 22.07.2019 and the show cause notice pursuant to the minutes held on 17th July, 2019 are bad in law and is void and also for permanent injunction upon the defendants so that she cannot be restrained from peaceful enjoyment of her allotted chair and other amenities as attached to the membership for using the facilities and amenities of the Bar.

It is the case of the plaintiff she is practicing advocate of Kakdwip Court and is a member of the Kakdwip Court Bar Association since the year 2000. The plaintiff has further mentioned that in terms of a meeting held in the Bar Association on 17.07.2019 show cause notice was issued by defendant no. 1 upon her and the plaintiff gave reply of the said notice on 19.07.2019. Thereafter a meeting was held at the Bar Association on 22.07.2019 and in pursuance of the minutes of said meeting the plaintiff was verbally communicated that she is ceased to become a member of the Bar and all her basic amenities and facilities as a member of the Bar were withdrawn. It is also mentioned by the plaintiff that no formal order of cancellation of membership was passed against the plaintiff. Plaintiff has further stated that she is still a member of the Bar Association.

So it appears from the plaint of the plaintiff that she claims that she is still a member of the Bar Association and what she has mainly prayed is that a declaration to the effect that the minutes of the meeting held on 22.07.2019 is void and bad in law. In such circumstance it is clear that plaintiff has not prayed for any order/relief of the court to resume her office as she claims that she is still a member.

In such circumstance I am of the view that the addition of present Secretary or other members of the Executive Committee of the Bar in this suit is not necessary as they are not necessary parties to the suit and their presence before the court is not necessary for the purpose of effective and complete adjudication of the suit. But of course they are proper party to the suit.

Considering the above discussion I am of the view that it is upon the plaintiff whether she wants to add the Secretary and the members of the present Executive Committee of the Bar Association for proper adjudication of her suit as plaintiff is the best person to choose against whom she wants to proceed.

To 15.12.2025 for injunction hearing.

D/C

Sd/-

ACJM-cum-CJSD, Kakdwip

Sd/-

ACJM-cum-CJSD, Kakdwip

