

Edathody Radhakrishnan vs M/S Calicut Bar Association Represented by Its Secretary

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Court : Kerala

Decided On : Dec-22-2023

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/41327/2023

Appellant : Edathody Radhakrishnan

Respondent : M/S Calicut Bar Association Represented by Its Secretary

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 22ND DAY OF DECEMBER 2023 / 1ST POUSHA, 1945 WP(C) NO. 41327 OF 2023 PETITIONER: EDATHODY RADHAKRISHNAN AGED 74 YEARS S/O.LATE KRISHNAN, ADVOCATE BY PROFESSION, RESIDING AT "RESHMA", P.O. BEYPORE, KOZHIKODE DISTRICT, PIN - 673015 M.K.SUMOD VIDYA M.K. RAJ CAROLIN V. THUSHARA.K RESPONDENTS:

1 M/S.CALICUT BAR ASSOCIATION REPRESENTED BY ITS SECRETARY SRI.FASIL P.K., FATHERS NAME NOT KNOWN, AGED 40 YEARS, ADVOCATE BY PROFESSION, CALICUT BAR ASSOCIATION, COURT COMPLEX, CONVENT ROAD, KOZHIKODE, PIN - 673032 2 SRI.SIVARAMAKRISHNAN K.B. AGED 52 YEARS FATHER'S NAME NOT KNOWN, ADVOCATE BY PROFESSION, PRESIDENT OF CALICUT BAR ASSOCIATION, COURT COMPLEX, 3 SRI.FASIL P K AGED 40 YEARS FATHERS NAME NOT KNOWN, ADVOCATE BY PROFESSION, SECRETARY OF CALICUT BAR ASSOCIATION, COURT COMPLEX, P.A.HARISH S.NIRMAL(N-169) VEENA HARI(K/775/2006)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 41327 OF 2023 2

JUDGMENT

When this matter had been considered by this Court on 13.12.2023, the following interim order had been issued.

What is presented before this Court is rather unfortunate. I do not propose to go into the details, but when a very senior advocate, who is a member of one of the most traditional courts like Calicut, feels isolated or discriminated, certainly it is for the fraternity to also look into it and take reparatory measures. Of course, the petitioner also must show magnanimity in climbing down, wherever necessary. As matter now stands, elections are scheduled to the Association on 14.12.2023; and I must record with appreciation, that Sri.P.A.Harish appearing for the said Association, submitted that senior members of the Bar have decided to intervene, to find a solution. He added that, as part of the said process, particularly to allay the bitterness of the petitioner, he can be allowed to participate in the General Body Meeting on 14.12.2023 - but with the assurance that he will not speak on that day, on account of any

possibility of acrimony and that he can also be allowed to vote. He then added that, a committee of five senior members will be constituted as per the agreement of both sides, who will initiate negotiation and dialogue so that a final solution can be found. I record the afore submissions of Sri.P.A.Harish and I adjourn this matter to be called on 19.12.2023.

2. Today, Sri.P.A.Harish - learned counsel appearing for the 1st

respondent - Association and Sri.M.K.Sumod - learned counsel appearing for the petitioner submitted that the disputes between the parties have been settled amicably and they handed over across the Bar, certain decisions of the Association, which is taken on 21.12.2023. They added that the suspension of the petitioner has been revoked WP(C) NO. 41327 OF 2023 3 and that criminal cases against each other have been withdrawn. Taking note of the afore and recording that the Association has taken certain decisions on 21.12.2023, I close this writ petition, directing the parties to abide by the same. Needless to say, all rival contentions are left open and as also the liberty of the parties to approach this Court again if so required in future. Sd/- DEVAN RAMACHANDRAN JUDGE MC/22.12 WP(C) NO. 41327 OF 2023 4 APPENDIX OF WP(C) 41327/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE CERTIFICATE OF PRACTICE WITH NO. COP/CLCT/249/2023 DATED Exhibit P2 TRUE COPY OF THE INVITATION CARD DATED NIL Exhibit P3 A PHOTOGRAPH OF THE NAMES OF THE SPONSORS,

INCLUDING THAT OF THE PETITIONER, INSCRIBED ON THE WALL OF THE LIBRARY IS TAKEN ON 06/12/2023 AND THE COPY OF SUCH PHOTOGRAPH

Exhibit P4 TRUE COPY OF THE NEWSPAPER REPORT IN MATHRUBHUMI DAILY DATED 07/11/2023 Exhibit P4(a) TRUE COPY OF THE NEWSPAPER REPORT IN MALAYALA MANORAMA DAILY DATED 07/11/2023 Exhibit P5 TRUE COPY OF THE SHOW CAUSE NOTICE ISSUED TO THE PETITIONER DATED 07/11/2023 BY THE 1ST RESPONDENT Exhibit P6 TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER TO THE RESPONDENTS DATED Exhibit P7 TRUE COPY OF THE POSTAL RECEIPT DATED Exhibit P8 TRUE COPY OF THE NOTICE OF SUSPENSION ISSUED BY THE 3RD

RESPONDENT TO THE PETITIONER DATED 01/12/2023 Exhibit P9 TRUE
COPY OF THE APPLICABLE RULES AND REGULATIONS OF THE 1ST
RESPONDENT ASSOCIATION

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