

The District Courts Dwarka Lawyers Chambers (Allotment and Occupancy) Rules, 2009

1. These rules shall be called District Courts Dwarka Lawyers Chambers (Allotment and Occupancy) Rules, 2009.

2. Allotment of chambers shall be made by the District and Additional Sessions Judge, Dwarka Courts on the receipt of an application in the prescribed form and on the recommendation of a Committee comprising of the District Judge, Dwarka Courts, the seniormost Additional District and Sessions Judge, Dwarka Courts, the Administrative Civil Judge, Dwarka Courts. The duly elected President and the Secretary of the Dwarka Courts Bar Association (hereinafter called the Allotment Committee).

3. The chambers will be allotted on double occupancy basis i.e. one chamber to two advocates who are practicing effectively in the Dwarka District Courts and who are the members of the Dwarka Courts Bar Association (founder members will be given preference) and are permanent residents of the National Capital Territory of Delhi, shall be considered eligible for allotment of chambers as per criteria laid down by the District Judge, Dwarka Courts, in consultation with the Allotment Committee from time to time.

4. The Allotment Committee, while making recommendations for initial allotments, shall have regard to the list of the eligible advocates including its order of seniority, to be prepared on the basis of enrollment of the member with Bar Council of Delhi and the membership of applicant/member with New Delhi Bar Association (Patiala House) and Delhi Bar Association (Tis Hazari), that may be supplied to it by the Dwarka Courts Bar Association.

5. Notwithstanding anything contained in Rule 4, the District Judge, Dwarka Courts in consultation with the Allotment Committee may make out of turn allotment to advocates who are retired Judicial Officers from Delhi and advocates who are physically handicapped or are otherwise deserving provided they are otherwise eligible. For this category, five (5) chambers shall be earmarked which shall be kept at the disposal of the District Judge, Dwarka Courts, New Delhi for allotment to the deserving applicants under this criteria.

6. No eligible advocate shall be considered for the allotment of chamber/share at Dwarka Courts. If he/she had/has chamber in his/her name at lawyers chambers in the Supreme Court, the High Court of Delhi or at the Tis Hazari Courts or Patiala House Court Complex, Shahdara Courts Complex. However in case the eligible advocate has submitted the surrender certificate of his/her said chamber

issued by the respective Bar Association where the said chamber is situated, within the scheduled period as fixed by the Allotment Committee/Dwarka Courts Bar Association, will be considered for the allotment of chamber/share at Dwarka Courts. In case of any dispute or difference of opinion, the decision of the District Judge, Dwarka Courts shall be final.

6.(a) Notwithstanding anything contained in Rules, 4 and 5, out of the eligible advocates, in case of husband/wife (not judicially separated) only one of them shall be considered for allotment.

6.(b) No eligible advocate shall allotted more than one share in a chamber.

6.(c) Where more than one eligible advocates have formed a partnership firm of advocates, they may be allotted only one chamber as joint allottees, provided always that the District Judge, Dwarka Courts, in consultation with the Allotment Committee may in appropriate cases, release the bar contained in clauses (a), (b) and (c) above, in case of otherwise eligible advocates.

7. Two or more eligible advocates may jointly apply for the allotment of a single chamber and on such allotment, being made, the said allottees shall be jointly and severally liable for the due performance of all the terms and conditions of these rules:

Provided, however, that if the allotment in respect of anyone of the joint allottees is to be cancelled or terminated under these rules. The continuing joint allottee/allottees shall have a preferential right, having regard to his/their standing at the Bar and his/their, need for a chamber, for continuing as an allottee/joint allottees:

Provided further that the said continuing allottee/allottees shall remain in occupation and shall not be liable for eviction till fresh allotment of the chamber under his/their occupancy is made.

8. Where a chamber/share has been exclusively allotted to an individual advocate, he may, subsequent to such allotment, apply for the reallocation of the said chamber to him jointly with another eligible advocate or other eligible advocates and the District Judge, Dwarka Courts, may in consultation with the Allotment Committee order the same, if such other advocate or advocates are otherwise found eligible for allotment and the request is bona fide. Provided, however, that if the allotment in respect of any one of the joint allottees is cancelled or terminated under the rules, the continuing bona fide joint allottee/allottees shall have a preferential right having regard to his/their standing at the Bar and his/their need for a chamber for continuing as joint allottee/allottees:

Provided further that the said continuing joint allottee/allottees shall remain in occupation and shall not be liable for eviction till fresh allotment of the chamber under his/their occupancy is made.

9. Notwithstanding anything contained in these rules, the District Judge, Dwarka Courts may in his discretion, direct the Allotment Committee to make allotment of all or any of the chambers jointly to more than one eligible applicant

R. 20] advocate and in case of such joint allotment, the allottees shall be severally bound by the rules so far as applicable and by such other terms as the District Judge, Dwarka Courts may in his discretion prescribe.

10. Notwithstanding anything contained in these rules allotment of accommodation in Lawyers' Chamber Block to the Central Government/Delhi Government, Statutory Bodies and other agencies may be made by the District Judge, Dwarka Courts on such terms and conditions and he may prescribed.

11. Licence fee for each eligible advocate shall be Rs. 500 per month or such amount as may be fixed by the Allotment Committee or District Judge, Dwarka Courts or Government of National Capital Territory of Delhi from time to time.

12. The licence fee and other charges shall be payable also for the period during which the court remains closed.

13. In additions to the monthly licence fee, the allottee shall be liable to pay electricity charges as per separate electric meter to be provided for electricity consumption. The payment of electricity charges will be made directly to BSES. Water and scavenging charges, charges for common services and other charges are to be paid by separately by the allottee at the rate to be worked out by the Committee from time to time. The allottee shall get meter installed in joint name/in name of any one of allottee from BSES, directly.

14. The allottee shall have no right to claim suspension of licence fee in whole or in part for any reason whatsoever.

15. The allottee shall use the chamber only as a lawyers' officer and for no other purpose whatsoever.

16. The licence fee and all other charges except electricity charges for each month shall be payable in advance by the seventh day of the month by a crossed cheque or by bank draft drawn on a local bank in favour of the District Judge IX, Dwarka Courts, New Delhi.

17. In case of non-payment of licence fee for consecutive six months by an allottee, his/her allotment shall be cancelled.

18. The allottee shall not part with in any manner, the user and consequent occupation or possession of the premises to any other person or to transfer or assign the whole or any part of the chamber in favour of any other person. It is expressly intended and meant that the permission given hereunder can and shall in no event be assignable, or transferable in any for, device, method or arrangement.

19. The allottee shall not make any structural additions or alterations in the chamber without the consent in writing of the District Judge, Dwarka Courts, New Delhi or his nominee.

20. The allottee shall, during the currency of the allotment, be responsible for the proper upkeep and maintenance of the chamber and in accordance with municipal and sanitary regulations which may be applicable and such directions as may be issued by the District Judge, Dwarka Courts, New Delhi or his nominee.

21. The allottee, shall, during the pendency of the allotment, be responsible for any damage caused to the chamber or to the services provided therein beyond fair wear and tear and act of God.

22. No such allottee may use his chamber before 7.30 A.M. and or alter 8.30 P.M. or any day. The timing may be changed by the District Judge, Dwarka Courts, New Delhi in consultation with the Allotment Committee.

23. The allottee shall indemnify the District Judge, Dwarka Courts, New Delhi against any loss or claim preferred against him/it by third parties as a result of act/omission by the allottee or his agents.

24. The allottee shall not cause or permit to be caused any damage to the chamber or to the main building or any part thereof.

25. The allottee shall deposit with the District Judge, Dwarka Courts, New Delhi, a sum of Rs. 5000 by way of bank draft, towards security for the due fulfilment and performance by him of the terms and conditions herein contained. In the event of the allottees committing any breach of the terms and conditions herein contained and on his part to be observed and performed, District Judge, Dwarka Courts, without prejudice to other rights and remedies, forfeit the security or any part thereof and on such an event, he shall pay such additional sum immediately as may be called upon by the District Judge, Dwarka Courts to pay so that the security deposit shall at all times, during the continuance of the allotment be the above said sum. On the expiration or earlier determination of the licence, District Judge, Dwarka Courts shall return the security deposit or part thereof which has been forfeited as aforesaid to him without interest.

26. In case of three consecutive defaults towards payment of licence fee, allotment of such advocate shall be cancelled and the same shall only be restored on payment of defaulted amount along with penalty so imposed by the District Judge, Dwarka Courts, New Delhi. In case of second such default or default of payment of licence fee consecutively for a period of six months, there shall be no restoration of the allotment and in such eventuality, possession of the chamber as a whole or part thereof as the case may be shall revert back to the District Judge, Dwarka Courts, New Delhi.

27. In the event of expiration or earlier determination of licensee due to death of an allottee or otherwise, the possession of chamber or his portion of the said chamber shall be handed over to the District Judge, Dwarka Courts, New Delhi, who shall make further allotment in terms of these rules.

28. The allottee shall not conduct himself nor permit others present in his chamber to conduct in a manner which is a nuisance and which causes annoyance to any adjoining or neighbouring allottee.

29. If the allottee at any time fails or neglects to perform and observe any of the terms and conditions of the rules herein contained, and on his part to be observed and performed, then in any such case or for any reason whatsoever, the District Judge, Dwarka Courts, may in consultation with the Allotment Committee, without prejudice to other rights and remedies, by giving fifteen days' notice in writing

R. 38]

to him, determine the licence and the allottee shall, upon such determination, handover vacant possession of the chamber without any right to compensation whatsoever.

30. The allottee shall not impede in any way the officers, servants or agents of the office of the District Judge, Dwarka Courts or of the High Court in exercise by them of right of possession and control of the chambers and in particular shall give reasonable assistance and facility to such officers, servants or agents for the general upkeep and maintenance of the layout, decorations, fittings and fixtures of the chambers.

31. The allotment shall in no event create, nor shall be construed so to create, confer or grant any lease or sub-lease, tenancy or sub-tenancy or any right, title or interest into or upon the chamber in favour of the allottee. The allottee shall in no circumstances claim or plead any right to tenancy or sub-tenancy, lease or sub-lease into or upon the chamber or any right other than that of bareuse.

32. That allotment shall be effective from the date on which the chamber is made available for occupation pursuant to an order of allotment. If the chamber is not occupied within a week of the availability and in case the allottee failed to submit surrender certificate in respect of his previous chamber, the allotment shall be deemed to be cancelled.

33. The allotment shall terminate—

- (a) On its cancellation by the District Judge, Dwarka Courts, New Delhi;
- (b) On its surrender by the allottee concerned; or
- (c) On the allottee's ceasing to be a member of the Dwarka Courts Bar Association; or
- (d) On the allottee's name being removed from the roll of Bar Council; or
- (e) On death of the allottee.

In case of termination of the allotment of the chamber/share, the same will be at the disposal of the District Judge, Dwarka Courts, New Delhi.

34. The allottee shall not install in the chamber any additional electric appliances without the prior permission in writing of the District Judge, Dwarka Courts or his nominee.

35. The District Judge, Dwarka Courts, New Delhi, day from time to time and on the advice of the Allotment Committee made such amendments and additions to these rates even with the retrospective effect, as may be necessary and expedient.

36. If any question arises as to the interpretation of these rules, the decision of District Judge, Dwarka Courts, New Delhi shall be final and shall not be called in question.

37. Arrears of licence fee, etc. shall be treated as arrears of land revenue.

38. The chamber shall be the property of the Government of National Capital Territory of Delhi and completely under the control of the District Judge, Dwarka Courts, New Delhi.