2025 INSC 200

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) No.17157 OF 2022

SHANKAR LAL SHARMA **PETITIONER(S)**

VERSUS

RAJESH KOOLWAL & ORS. **RESPONDENT(S)**

O R D E R

This Special Leave Petition has been filed by Sri Shankar Lal Sharma - petitioner, who is present in-person before this Court today.

2. Having regard to the issues raised by him in this petition, we thought it fit to make available the services of a legal counsel and therefore, by order dated 18.11.2022 this Court requested Sri Sanchar Anand, learned Advocate, to assist this Court as an Amicus Curiae in the matter.

3. We have heard this case on several occasions.

4. We note that the age of the petitioner is presently 73 years. When we suggested to the petitioner to consider a full and final settlement of all his claims as against the respondent-Company and have a closure to this litigation, he had said that he would think over the matter and revert.

5. Today, learned Amicus representing the petitioner submitted that the petitioner will not press the Special Leave

Petition on merits, if an appropriate lumpsum monetary settlement is made by the respondent-Company.

6. Learned counsel appearing for the respondent(s) at the outset had submitted that there is no merit in this Special Leave Petition and therefore, the same may be dismissed.

7. However, on the last few occasions, we had suggested to learned counsel for the respondent(s) that if the petitioner is agreeable for a settlement in the matter, he should get instructions regarding the same so as to give a quietus to the case.

8. Learned counsel for the respondent(s) then submitted that he has instructions that a sum of Rupees Ten Lakhs in full and final settlement will be paid to the petitioner. However, on our persuasion, learned counsel for the respondent(s) also submitted that the respondent(s) can be persuaded to pay at the most Rupees Fifteen Lakhs only.

9. In response to this submission, learned Amicus appearing for the petitioner submitted that if the matter is to be heard on merits, the monetary emoluments that the petitioner would receive would be a Crore of rupees approximately. The petitioner is giving up his claims on merits and therefore, this Court may consider an appropriate amount to be paid by way of settlement so as to give a closure to the litigation.

10. In the circumstances, we think that it is just and appropriate to direct the respondent-Company to pay a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the petitioner, which would be in full and final settlement of all his claims on the respondent(s). On receipt of the said amount, the petitioner shall not have any further claim or right to any other relief as against the respondent(s) herein with respect to the present dispute.

11. The aforesaid amount shall be paid within a period of three weeks from the date of availability of this order by way of Demand Draft in the name of the petitioner to be handed over to Sri Sanchar Anand, learned counsel who has assisted this Court as Amicus representing the petitioner herein.

12. Having regard to the peculiar facts of the case and the submissions made by the petitioner/party-in-person, the Special Leave Petition is disposed of in the aforesaid terms.

13. Before parting, we would like to observe that the instant case has brought to the fore a crucial aspect of the legal profession, which is the role of advocates in taking up the responsibility of rendering assistance to both the court as well as the litigant, particularly those with limited means, and to collectively assist in ensuring that the litigant before a court has an assurance of having secured justice at the hands of the courts and particularly from the Apex Court.

13.1 As also observed by a bench of this Court in the case of *State of UP vs. UP State Law Officers Association, AIR 1994 SC 1654*, the legal profession has historically been a service-oriented profession and the ancestor of today's lawyer was no more than a spokesman who rendered his services to the needy members of the society by articulating their case before the courts and authorities that be. The services were rendered without regard to the remuneration received or to be received. With the passage of time and the spiraling of litigation, advocacy has become a full-time occupation and most of the lawyers came to depend upon it as the sole source of livelihood. But amidst the rapid commercialization and competition which the legal profession has fallen prey to, it remains a rare joy to have the assistance of advocates, as in the present case, still holding strong the original and core values attached to the legal profession, which is to lend their noble services to an aggrieved litigant before the Court-not by acting as soldiers on behalf of their clients, but by merely being the bridges of communication and peace between the stakeholders in litigation, i.e., the petitioner(s) and the respondent(s) in a case and by rendering assistance to the bench, so that dispensation of justice in a court of law does not eventually become a zero-sum game.

13.2 A number of times we have come across litigants before courts who appear in-person to prosecute or contest their own

cases. Despite the availability of free legal aid facilities in Courts, they tend to take the pains of drafting their own petitions, completing cumbersome legal procedures and appearing before the Courts to deal with complex legal argumentation. While one of the reasons for this may be the lack of awareness about the availability of legal aid services, for reasons best known to such litigants they do not engage legal professionals.

13.3 Young advocates joining the bar, must volunteer to assist the litigants who cannot engage the services of a counsel due to lack of means or awareness whenever an opportunity presents itself. Moreover, they should render the best legal assistance to the litigant without any expectation in return for their professional services. By these gestures of volunteering to represent indigent litigants, advocates can collectively make a statement to the society at large that the legal profession stands for the right to have access to justice and equality before law, not just in theory but in practice too. Such efforts of advocates, though in an individual capacity but acting towards a common objective of bringing an amicable quietus to the litigation, would send out a message that counsel are not hinderances in the process of parties reaching a mutually agreeable settlement, particularly in labour and matrimonial matters. They can also effectively play their parts in helping the parties end their disputes, and add positively to the alternate dispute mechanisms like mediation and

conciliation. These are opportunities to make meaningful contributions to the society, and as a result the legal profession as a whole would gain the goodwill of the society in general and indigent litigants in particular.

13.4 As Prof. Karen Thalacker rightly summed up in her book 'The New Lawyer's Handbook: 101 Things They Don't Teach You in Law School' while advising young advocates to donate their legal skills for community purposes:

> **"Serving others fills a hole in you that you might not even know you have. The discovery that you make is that even though you volunteer to show these organizations how important they are, the end result is that you get more than you ever give."**

It is high time the aforesaid spirit is imbibed by the members of the bar in general and particularly the younger advocates.

14. The instant case has shed light on another contrasting facet of the legal practitioners before this Court. On 18.11.2022, when this Court observed that the petitioner was appearing in-person and was not able to make his submissions in English before the Court, Mr. Sanchar Anand, learned counsel was appointed as the Amicus Curiae in the matter to represent the petitioner. Thereafter, the learned counsel has appeared fourteen times before this Court for representing the petitioner, during a period of two years when this matter was pending before this Court. The petitioner, admittedly being a

man of limited means, has not been able to pay a penny to the learned counsel for his services. The learned counsel is not even an advocate on the panel of Supreme Court Legal Services Committee, so as to receive some reasonable remuneration for his time and expenses. Yet, the counsel has dedicatedly appeared before this Court during these two years to not just represent the petitioner but also to assist this court in reaching a just and proper conclusion to this case. Eventually, the learned counsel has been successful in convincing the petitioner to accept the suggestions made by this Court and by the learned counsel for the respondent, and the petitioner has been cooperative to rest his claim on merits in lieu of receipt of the amount of money being agreed to be paid by the respondent as directed above.

14.1 What the aforesaid effort from the learned Advocate signifies is that access to justice before the highest court of the country is not bound by the shackles of lack of financial resources. Persons from all classes, etc. who wish to approach this court with their grievance must be provided with necessary assistance by the responsible members of the bar, without increasing the cost of litigation for the party or unnecessarily delaying the process. This is a welcome change from the trend being witnessed in our court rooms, where the litigants located in far corners of this country have to shell out humungous sums of money in the name of professional fees

for engagement of top echelons of the legal profession, particularly when the matters do not progress on a particular day. In lieu of their expectations for the constitutionally guaranteed right to justice at the hands of this Court, they are often handed over a document that reads on top as 'Record of Proceedings' and which acts as a means of justifying the professional fees, without there being any substantial relief for the party concerned. The message that eventually spreads amongst the litigant public is that a hearing in this Court is available only to those who have the wherewithal and can withstand the financial pressure arising from their litigation apart from the uncertainty of the result and that the doors of justice may be inaccessible for others who can ill-afford to pay such high fees to lawyers.

14.2 We must reiterate that this misconception is required to be broken. The duty to provide ease of access to justice rests upon every member of the legal profession and the requisite message needs to be disseminated from the portals and corridors of this Court in the first instance in both letter and spirit. The enduring service of the learned amicus curiae in the present case is a poignant step in that direction.

15. In light of the above observations, we express our appreciation and gratitude to Sri Sanchar Anand, learned Amicus, for rendering his services and assisting this Court on our request and by representing the petitioner herein on

several dates and thereby bringing about a quietus to a long-drawn-out litigation.

16. We also express our appreciation to Sri Radhakrishna S Hegde, learned counsel for the respondent(s), who has responded positively to the suggestion made by this Court and has been able to persuade his clients to part with the aforesaid sum of Rs.20,00,000/- (Rupees Twenty lakhs only) so as to ensure that there is a closure to this litigation and all future claims and litigations vis-a-vis the petitioner herein.

17. As a token of our appreciation of the services rendered by Sri Sanchar Anand, we request the respondent(s) to pay a sum of Rs.1,00,000/- (Rupees One Lakh only) to Sri Sanchar Anand, learned Amicus Curiae. The said amount shall also be paid expeditiously by way of Demand Draft.

18. We also appreciate the change of mind on the part of the petitioner, who is aged 73 years and who is a person of low vision and suffering from multiple ailments, in deciding to putting an end to this litigation by accepting the aforesaid offer of the respondent(s).

19. We observe that other cases arising out of the litigation between the petitioner and the respondent(s) herein to be concluded expeditiously having regard to the aforesaid order. Hence, necessary steps in that regard may be taken by the respective parties.

20. This Special Leave Petition is disposed of in the aforesaid terms.

Pending application(s), if any, shall stand disposed of.

……J.
(B.V. NAGARATHNA)

……J.
(SATISH CHANDRA SHARMA)

NEW DELHI;
JANUARY 29, 2025.