HIGH COURT OF DELHI AT NEW DELHI

No. 13/Rules/DHC
Dated: 26.10.2009

CIRCULAR

While disposing of WP(C) No.7651/2009 titled "Deepak Khosla & Anr. Vs. Union of India & Ors." the Division Bench comprising Hon'ble Mr.Justice Pradeep Nandrajog and Hon'ble Mr.Justice Suresh Kait, has noted that the Vakalatnamas are being filed in a most lackadaisical manner. Many a times, precious judicial time is lost in determining whether a proper representation is being made under a proper authority. Hon'ble Division Bench has directed that henceforth while scrutinizing the Vakalatnamas filed, failure/defects noted below shall be treated as a deficiency in the execution of the Vakalatnamas making liable the said Vakalatnamas to be returned. It should, therefore, be ensured that the Vakalatnama is free from defects, including, inter alia, the following:-

(a)   The name/s of the person/s executing the Vakalatnama is/are clearly mentioned.

(b)   In case the Vakalatnama has been signed on behalf of a company/firm/society/ organization/body corporate, the name, designation or authority of the person executing the Vakalatnama on behalf of the grantor is disclosed by either affixing a seal or by mentioning the name and designation below the signature of the executant. In such a case, a true copy of such authority, such as the resolution of a company or copy of the minutes of a meeting authorizing such a person to represent a company/firm/society/organization/body corporate, is annexed with the Vakalatnama. In these types of cases, if such person ceases to be in the employment of such company/firm/society/organization/body corporate, a fresh Vakalanama is filed along with a fresh resolution.

(c)   The pleader, in whose favour the Vakalatnama has been executed, has signed it in token of its acceptance.

(d)   The pleader has identified the person executing the Vakalatnama and has also certified that he had satisfied himself/herself about the due execution of the Vakalanama.

(e)   The address, phone numbers, mobile number, fax number, e-mail ID, etc. of the pleader is clearly mentioned on the Vakalatnama.

(f)   Where a Vakalatnama has been executed by someone for self and on behalf of someone else, an endorsement/statement to this effect is made on the Vakalatnama. For example when a father and the minor children are parties, invariably there is a single signature of the father alone on the Vakalatnama without any endorsement/statement that the signature is for 'self and as guardian of his minor children'. Similarly, where a firm and its partner, or a company and its Director, or a Trust and its trustee, or an organization and its office-bearer, execute a Vakalatnama, invariably there will be only one signature without even an endorsement that the signature is both in his/her personal capacity and as the person authorized to sign on behalf of the corporate body/firm/society/ organisation.

(g)   Where a Vakalatnama has been executed by a Power of Attorney holder of a party, the executant to disclose the same and annex a true copy of such Power of Attorney.

(h)   Where several persons sign a single Vakalatnama, the signatures are affixed seriatim, mentioning their serial number and name in brackets corresponding to the serial number and name mentioned in the memo of parties.

(i)   Where a single Vakalatnama has been executed in favour of more than one pleader, the names and addresses of each pleader are clearly mentioned on the Vakalatnama.

(j)   The Vakalatnama is not executed by a pleader in favour of another pleader.

(k)   The Vakalanama is properly stamped as per the Court Fees Act, 1870, the Advocates Act, 1961 and the Bar Council of India Rules, 1975 framed under the Advocates Act, 1961.

(l)   The case number and the cause title are clearly mentioned in the Vakalatnama.

The Registry is directed to properly check, verify and ensure that the Vakalatnamas filed at the filing counter are complete with regard to all the aforesaid aspects. Incomplete Vakalatnamas should be returned with objection (s).

BY ORDER

Sd/-
(RAKESH KAPOOR)
Registrar General