

Para 12: ... The Court is supposed to work and dispense justice ***whether advocates appear for the assistance of litigants or not.*** ... A litigant who can brief his advocate and get the complaint prepared can state his case in his own words before the Judge and he can get his statement recorded. The Judge is duty bound to record the statement of complainant, if the complainant is willing and ready to make his statement. In the present case, the complainant had not shown his willingness, at any point of time, to lead evidence before the trial Court, rather the complainant had only been saying that there was no evidence available or his Counsel was not available. ***Fair trial and giving fair opportunity to a person to present his case only means that the person should be given hearing and should be given to call his Counsel on the date when the case is fixed. Fair trial does not mean that even when Counsel is not appearing in the Court deliberately, either due to strike or because of his business somewhere else, the Court should stop working and adjourn the cases.*** Court cannot adopt a coercive measure to bring the Counsel to the Court to assist his litigant. ***It is the litigant who has to bring his Counsel to the Court for assistance. Legal aid cannot be given to a litigant who is capable of engaging a Counsel and who has already engaged a Counsel but his Counsel is refusing to appear in the Court on one or the other ground.*** ...

Om Prakash V/s Murti Devi **2007 SCC OnLine Del 1322**

[Para 35 corrected vide Official Corrigendum No. F.3/Ed.B.J./42/2013 dated 1-7-2013]. We have expressed our anguish, agony and concern about the manner in which the trial has been conducted. ***We hope and trust that the trial courts shall keep in mind the statutory provisions and the interpretation placed by this Court and not be guided by their own thinking or should not become mute spectators when a trial is being conducted by allowing the control to the counsel for the parties.*** They have their roles to perform. They are required to monitor. They cannot abandon their responsibility. ... The administration of justice reflects its purity when the Bench and the Bar perform their duties with utmost sincerity. ***An advocate cannot afford to bring any kind of disrespect to fairness of trial by taking recourse to subterfuges for procrastinating the same.***

Gurnaib Singh V/s State of Punjab, **(2013) 7 SCC 108**