

SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974

Case No. 11800-2018

BETWEEN:

RAJESH KUMAR SINGH PATHANIA

Applicant

and

ASHFAQUE UDDIN AHMED

Respondent

Before:

Mr D. Green (in the chair)

Mrs A. Kellett

Mrs L. McMahon-Hathway

Date of Consideration: 7 November 2019

Appearances

There were no appearances as the matter was considered on the papers

**MEMORANDUM OF AN APPLICATION
FOR THIRD PARTY DISCLOSURE**

Documents

1. The Tribunal read all correspondence submitted by the parties.

Background

2. By way of an application dated 24 October 2019, the Applicant, applied for third party disclosure of all the files the Tribunal held and/or all witness statements filed by both parties.
3. In the application the Applicant explained that the documentation was sought as the Applicant wanted to give evidence and ask questions if possible and issue a private prosecution if possible.
4. The Solicitors Regulation Authority objected to the application on the basis that the Applicant had provided very limited details regarding which documents were specifically required (or why), and had made an extremely wide request for disclosure of all documents – including personal statements provided by third parties and SRA staff members.

The Tribunal's Decision

5. The Tribunal had regard to its Policy on the Supply of Documents to a Non-Party from Tribunal Records. That policy stated:

“The starting point for determining any application is that no disclosure should be made of Tribunal documents prior to the expiry of the time limit for appeal by a party of the Tribunal’s substantive determination of the application in the proceedings (21 days after delivery to the parties of the written Judgment). Any non-party that wishes to apply for Tribunal documents prior to that date must demonstrate a compelling case as to why, in the particular circumstances of the case, the interests of justice require disclosure”.

6. The matter was listed for a substantive hearing on 10 – 12 December 2019, thus the application was made prior to any determination of the substantive matters. In those circumstances the Applicant was required, pursuant to the policy, to demonstrate why it was in the interests of justice for documents to be disclosed. The Tribunal considered that the wide ranging application made by the Applicant had failed to satisfy this requirement. Accordingly, the application was refused.

Dated this 13th day of November 2019

On behalf of the Tribunal



D. Green
Chairman