

CWP-1376-2016

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of Decision: 23.04.2016

Dr. Surya Parkash

... Petitioner(s)

Versus

Bar Council of Punjab and Haryana and another

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Rahul Sharma-I, Advocate,
for the petitioner.

Mr. C.M.Munjal and Ms. Seema Arora, Advocates,
for respondent No.1.

Mr. Rahul Sharma, Advocate,
for respondent No.2.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the complaint dated 23.04.2014 (Annexure P-1) alongwith all the subsequent proceedings arising therefrom.

I have heard learned counsel for the parties and perused the record.

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Learned counsel for the petitioner submits that there is a family dispute between brothers and it has nothing to do with the professional misconduct of the petitioner and relies upon *Noratanmal Chouraria vs. M.R.Murli and another* 2004(2) Apex Court Judgments (SC) 121. Respondent No.1-Bar Council has no jurisdiction to entertain such complaint. The petitioner has already filed application that the objection of jurisdiction should be treated as preliminary objection and the complaint dated 23.04.2014 (Annexure P-1) may be dismissed accordingly.

On the other hand, learned counsel for respondent No.1 states that once the complaint has been filed before respondent No.1-Bar Council, some decision is required to be taken by respondent No.1. It is yet to be decided whether the impugned complaint is maintainable before it or not.

I have considered the rival contentions of learned counsel for the parties.

Without going into further merits of the case, instant petition is disposed of with a direction to respondent No.1 to decide as to whether the impugned complaint is maintainable or not before it, in accordance with law, within 15 days from today. While deciding the same, respondent No.1 shall also take into consideration the law laid down by the Hon'ble Supreme Court in *Noratanmal Chouraria's case (supra)*. Parties through their counsel are directed to appear before

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respondent No.1 on 24.04.2016 (although it is Sunday, but working day before respondent No.1, as stated by its counsel).

Disposed of in the aforementioned terms.

23.04.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge