

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17461 of 2017

Subh Kala Devi, W/o Late Bipin Kumar Singh, R/o village + P.O.-
Daffarpur, P.S.- Naukothi, District- Begusarai.

... .. Petitioner/s

Versus

1. The Bihar Advocates Welfare Fund Trust Committee through its Secretary,
Bihar State Bar Council Building, Patna High Court Campus, Patna.
2. Secretary, Bihar Advocates Welfare Fund Trust Committee, Bihar State Bar
Council Building, Patna High Court Campus, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Adv.
For the Respondent/s : Mr. Prem Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-10-2018 Heard Mr. Baidya Nath Thakur, learned counsel for
the petitioner and Mr. Prem Kumar Jha, learned counsel for the
respondents.

The present writ application has been filed for
quashing a letter dated 30.04.2016 issued under the signature of
Respondent No.2, the Secretary, Bihar Advocates' Welfare Fund
Trustee Committee, as contained in Annexure 5, whereby the
petitioner was intimated that she is not entitled to any benefit
from the Advocates' Trustee Committee (hereinafter referred to
as 'the Trustee Committee' as her husband though died on
10.12.2014, but he failed to submit annual subscription since



2009-10.

Learned counsel for the petitioner submits that husband of the petitioner late Bipin Kumar Singh, being Advocate and Member of Advocate Welfare Fund unfortunately died on 10.12.2014, since the petitioner was made nominee in the said fund, the petitioner submitted an application for getting the benefits under scheme before the President -Respondent Bar Association, Begusarai, on 27.05.2017. On recommendation by the District Bar Association, the Trustee Committee remanded the same on 18.12.2015 and mechanically the claim of the petitioner has been rejected by impugned order on 30.04.2016, as contained in Annexure-5.

Mr. Prem Kumar Jha, learned counsel for the respondents submits that in view of the new amended provision under Section 17A of The Bihar State Advocates' Welfare Fund Act, 1983 (hereinafter referred to as 'the Act'), any aggrieved advocate being member of the fund may prefer a review application against the order of Trustee Committee within 20 days of receipt or acknowledge of such order. However, the Trustee Committee has the power to condone the delay

In view of the above-mentioned stand of the learned counsel for the Respondents, learned counsel for the petitioner



seeks permission to withdraw the present writ application to prefer a review application under Section 17A of the Act along with an application for condonation of delay.

In the circumstance, the writ petitioner, being widow of an advocate and since she was not aware about the provisions of the Act is permitted to prefer a review application under Section 17A of the Act within a period of three weeks from the dated of receipt of a copy of this Order along with an application for condonation of delay.

Since the provisions under Section 17A of the Act provides the provision of review against the order of Trustee Committee by the Trustee Committee within 20 days of receipt or knowledge of the order coupled with the Trustee Committee has the jurisdiction to condone the delay for sufficient and reasonable cause.

It is expected from the Trustee Committee to consider the application for condonation of delay and decide the issue on its merit within a period of eight weeks of filing of such application, keeping in view of the fact that the petitioner, being a widow of an advocate and she was not aware of the provisions of the Act, she was pursuing remedy before this Court by way of filing this present writ application.



Accordingly, the present writ application is disposed
of as withdrawn with the liberty aforementioned.

(Dinesh Kumar Singh, J)

Ashwini/-

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