

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

CWP No. 3673 of 2021

Date of decision : 16.3.2021

Suresh Kumar, Advocate

.... Petitioner

versus

Enrollment Committee,
Bar Council of Punjab and Haryana High Court,
Chandigarh and others

... Respondents

**Coram: Hon'ble Mr. Justice Jaswant Singh
Hon'ble Mr. Justice Sant Parkash**

Present Ms. Renu Dhull, Advocate, for the petitioner.

Mr. C. M. Munjal, Advocate and
Mr. Sansar Kundu, Advocate, for respondent no. 1.

Mr. H. S. Brar, Advocate, for respondent no. 3.

Jaswant Singh, J. (Oral)

[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court.]

Petitioner – Suresh Kumar, is a practicing Advocate, at District
Courts, Kaithal as also in the Punjab & Haryana High Court at Chandigarh.

By filing the present writ petition, the petitioner has laid
challenge to the memo dated 4.2.2021 whereby a copy of the order dated
24.1.2020 passed by Respondent No. 1- the Enrollment Committee, Bar
Council of Punjab & Haryana has been endorsed to the petitioner whereby
inter alia the petitioner has been restrained from practising law in any Court
on the complaint filed by one Satyavir Singh, Advocate- Respondent no. 2.

On the previous date of hearing i.e. 18.2.2021, this Court while
issuing notice of motion had stayed the operation of the order dated

24.1.2020 till today. The said order reads as under:-

“It is contended that in the light of the provisions of Section 35 of the Advocate Act, 1961 (hereafter referred to as '1961 Act'), the jurisdiction vested only with the Disciplinary Committee constituted as per Section 9 to suspend the licence of the petitioner. The Enrollment Committee constituted in the light of Section 10 of 1961 Act thus had no jurisdiction to pass the impugned order dated 24.01.2020 (P-3) whereby while proposing to remove name from the Rolls, the petitioner has been restrained from appearing. It is next urged that the complaint against the petitioner was filed on 09.08.2018 and the impugned order has been passed on 24.01.2020 conveyed vide memo dated 4.2.2021 i.e. beyond a period of one year, thereby in view of the provisions of Section 36B of 1961 Act the proceedings had to be transferred to Bar Council of India for decision.

Thus, the impugned orders suffer from lack of jurisdiction. It is also argued that the provisions of Section 26 of 1961 Act have been wrongly invoked to pass the impugned orders.

Notice of motion for **10.03.2021**.

Dasti as well.

Till the next date of hearing operation of Order dated 24.01.2020 (**P-3**) shall remain stayed.”

At the time of resumed hearing today, CM No. 3930-CWP of 2021 has been filed seeking permission to place on record the written statement of respondent no. 3 along with Annexures R-3/1 to R-3/14, refuting the allegations of malafide while highlighting the various instances of the petitioner having abused the process of law.

CM No. 3930-CWP of 2021 is allowed and the written statement of respondent no. 3 along with Annexures is taken on record.

It is further asserted that the petitioner is a habitual complainant making allegations left, right and centre against all the authorities which requires to be curbed with exemplary costs.

Be that as it may, Mr. C. M. Munjal, learned counsel for respondent no. 1- the Enrollment Committee, Bar Council of Punjab & Haryana states at the bar that keeping in view the legal infirmity, the impugned order dated 24.1.2020 (**Annexure P-3**) be deemed as withdrawn with liberty to the competent authority to proceed in accordance with law.

In view of the aforesaid stand, learned counsel for the petitioner concedes that nothing more survives for adjudication in the present case.

In view of the aforesaid development, the present writ petition is disposed of as infructuous with liberty as aforesaid.

The Bar Council of Punjab and Haryana shall be bound by its stand made through Mr. C. M. Munjal, Advocate.

(Jaswant Singh)
Judge

16.3.2021
vs

(Sant Parkash)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable	Yes/No