

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16045 of 2021

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Smt. Sarita Prasad W/o- Late Shri Salona Prasad Resident of Mohalla- Mohan Nagar (Near Brahman High School), At, P.O. and P.S.- Chapra Town, District- Saran.

... .. Petitioner/s

Versus

1. The Bihar State Bar Council through Chairman, Patna, Bihar Bar Council Bhawan, Patna.
2. The Bihar State Advocates Welfare Trustee Committee, through its Secretary, Bar Council Bhawan, Patna, Bihar.
3. The Chairman, Bihar State Advocates Welfare Trustee Committee, Bar Council Bhawan, Patna, Bihar.
4. The Secretary, Bihar State Advocates Welfare Trustee Committee, Bar Council Bhawan, Patna, Bihar.
5. The Secretary, Bar Association, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratan Kumar Sinha, Advocate
For the Bihar State Bar Council : Mr. Shantanu Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 11-01-2024 Heard the parties.

2. The petitioner has move the Court for the following relief:

“1) That this application is for issuance of writ in the nature of Mandamus or any other appropriate writ/writs for direction to Respondents authorities to pay the legal death claim of Late Salona Prasad, Advocate, Chapra Bar Association, Chapra in view of the provisions of the Bihar State Advocate Fund Act, 1988 whose wife is petitioner here, with



appropriate interest at the bank rate or at any rate fixed by the Hon'ble Court."

3. The husband of the petitioner had stopped practicing and had applied before the Trustee Committee for payment of payment of his dues in accordance with the Rules. The Trustee Committee decided the same and sent a cheque of Rs. 1,20,000/- dated 05.06.20218.

4. The wife of the petitioner has approached this Court for payment of the dues by the Trustee Committee considering the fact that before the cheque was sent to the deceased, he died on 19.05.2018.

5. Learned counsel for the Trustee Committee submits that the Committee had taken a decision on the application of the petitioner's husband well before his death and thereafter, had forwarded the cheque. Now after the death of the husband of the petitioner, this dispute has been raised by the wife as she expects to get some more amount from the Trustee Committee. Once the petitioner's husband had stopped his practice and had applied for payment of his dues under the Rules, after his death the wife cannot re-agitate the matter.

6. The Trustee Committee is directed to issue a fresh cheque in the name of the petitioner if the same has not been encashed earlier by the deceased or the petitioner.



7. In these circumstances, this application has no merits and the same is dismissed.

(Sandeep Kumar, J)

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