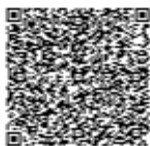


2024:PHHC:118238-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(108)

LPA-1638-2023(O&M)
Decided on: 09.09.2024

Reena Gupta

.....Appellant (s)

Versus

State of Punjab & others

....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Mr.Prateek Pandit, Advocate, for the appellant.

Mr.B.S.Bali, Addl.A.G., Punjab.

Mr.K.P.Singh, Advocate, for
Mr.Dhiraj Chawla, Advocate, for respondent No.3.

G.S. Sandhawalia, J. (Oral) :

CM-1461-LPA-2023

1. Application for condonation of delay of 68 days in filing the appeal is allowed, in view of the averments made in the application, duly supported by affidavit of the appellant. Delay of 68 days in filing the appeal is hereby condoned.

2. CM stands disposed of.

CM-1461-LPA-2023

3. Application for condonation of delay of 558 days in refiling the appeal is allowed, in view of the averments made in the application, duly supported by affidavit of counsel for the appellant. Delay of 558 days in refiling the appeal is hereby condoned.

4. CM stands disposed of.

LPA-1638-2023 (O&M)

5. Consideration in the present appeal is to the judgment dated 04.12.2019, passed by the Learned Single Judge in CWP-5481-2016 whereby the writ petition, filed by the writ petitioner was dismissed.

6. The Learned Single Judge noticed that the appellant's brother, Rishu Gupta was an Advocate who was allotted a lawyer's chamber in the Sub-Division Judicial Court Complex, Phillaur and therefore, he could easily accommodate his sister on sharing basis. It was also noticed that both the brother and sister often filed joint vakalatnamas to represent their clients. In the affidavit filed in Court, it was averred that there was no chamber available, even at the time of filing the petition and the writ petition was dismissed with the observation that if there is any grievance with the brother, the same could be solved by the good offices of the Bar Association, Phillaur.

7. The writ petition had been filed seeking direction that the writ petitioner be allotted one of the chambers out of the cancelled 11 chambers in the Advocates Block as cancelled by the Deputy Commissioner, Jalandhar vide order dated 25.04.2012.

8. The specific stand of the Bar Association-respondent No.2 was that the writ petitioner was a member of the Bar Association, Phillaur and she was married at Hoshiarpur more than 10 years ago and she was also enrolled in the Bar Council of Punjab & Haryana, Chandigarh as an Advocate of District Hoshiarpur on 05.10.2005. She was a member of the said Bar Association, Hoshiarpur and her husband, Ajay Gupta was also a Member of the District Bar Association, Hoshiarpur. It was, thus, the stand of the Bar Association that she had only become the Member of the

Bar Association, Phillaur when the Bar Association, Phillaur invited applications from the Members for construction of Lawyers Chamber on Second Floor at the instance of her father and brother and that she was not practising as an Advocate at Civil Courts, Phillaur. It was, in such circumstances, the Learned Single Judge had dismissed the writ petition.

9. The pleadings of the appellant-writ petitioner would also go on to show that she became the Member of a Bar Association, Phillaur, District Jalandhar in January, 2013 whereas the cancellation of the allotment was dated 25.04.2012, on the basis of which, she is seeking the enforcement of the allotment of chamber to her.

10. No replication was filed to the stand taken by respondent No.2, Bar Association. Rather a short affidavit filed would go on to show that the appellant had admitted that her husband did not hold any chamber at District Courts, Hoshiarpur and never controverted the factum that she was married at Hoshiarpur and that she and her husband was practising there. The certificates dated 12.07.2019 and 22.07.2019 (Annexures P-23 & P-24, respectively) would go on to show that she was resident of Hoshiarpur. Her brother had filed various complaints regarding the allotment of chambers at Phillaur, and eventually, by virtue of the compromise he had purchased a chamber from one of his colleagues and the said compromise deed was executed on 25.04.2013 (Annexure R-2/8). The writ petition was filed in the year 2016. Thus, it is apparent that the findings recorded by the Learned Single Judge are well justified as no replication has been filed by the present appellant to controvert the averments that she was married and settled at Hoshiarpur and the present

litigation is in furtherance of the family design, to litigate with the Bar Association, Phillaur.

11. Accordingly, we do not find any tangible reason to interfere in the well reasoned judgment passed by the Learned Single Judge. Resultantly, in view of the above discussion, the present appeal is hereby dismissed. All pending application(s) also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

09.09.2024
Sailesh

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No