



\$~9

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 168/2025, CM APPL. 13008/2025, CM APPL. 13009/2025 & CM APPL. 13010/2025

DARSHANA RANI

.....Appellant

Through: Mr. B.S. Bagga and Mr. Jitender
Khurana, Advocates.

versus

THE GOVERNMENT OF NCT OF DELHI
THROUGH PR SECRETARY & ANR.

.....Respondents

Through: Mr. T. Singhdev, Mr. Tanishq
Srivastava, Mr. Sourabh Kumar and
Mr. Vedant Sood, Advocates for
R-2/BCO.

%

Date of Decision: 18th September, 2025

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J: (ORAL)

1. Present Letters Patent Appeal has been filed assailing the judgment dated 13.11.2024 (hereinafter referred to as "*impugned judgment*") passed by the learned Single Judge dismissing the underlying writ petition bearing W.P.(C) 7519/2024 titled "*Darshana Rani vs. The Government NCT of Delhi & Anr.*", whereby the appellant had sought directions to respondent no.1 for payment of life insurance claim of INR 10 lakhs under the Chief Minister Advocate Welfare Scheme dated 18.12.2019 (hereinafter referred to as "*CMAWS*") on account of the death of her son, late Sh. Kamal Khurana, Advocate.



2. The appellant's case in brief is that the son of the appellant, late Sh. Kamal Khurana, registered himself under CMAWS dated 18.12.2019, which was introduced by respondent no.1 for the benefit of advocates enrolled with respondent no.2/Bar Council of Delhi (hereinafter referred to as "BCD"). Since the Electoral Photo Identification Card ("EPIC") number of late Sh. Kamal Khurana was not verified by the concerned authority in terms of his eligibility under the CMAWS, his name was neither included in the list of beneficiaries during the initial policy period between 20.11.2020 and 19.11.2021, which was further extended up to 19.10.2022, nor included in the list of beneficiaries for the period from 20.10.2022 to 19.10.2023. Thereafter, respondent no.1 issued a notice dated 07.02.2023, as well as a subsequent notice dated 14.03.2023, clearly stating that mere registration under the Scheme would not confer benefits under the CMAWS until the Delhi Bar Council enrolment number and EPIC number are verified by the BCD and the National Voters' Service Portal (NVSP) of the Election Commission of India or the Office of the Chief Electoral Officer, Delhi.

3. Pursuant to the said notice, late Sh. Kamal Khurana re-applied for benefits under the CMAWS, and after verification of his credentials by the concerned authorities, his name was included in the insurance policy under the CMAWS for the period from 20.10.2023 to 19.10.2024. It is the appellant's case that due to the unfortunate demise of her son, late Sh. Kamal Khurana on 02.08.2023, which occurred much before the commencement of the existing insurance policy of 2023, i.e., 20.10.2023, the request of the appellant for processing the life insurance claim of INR 10 Lakhs under the CMAWS was rejected by respondent no.1 *vide* order dated 03.04.2024, and thus, constraining her to invoke the writ jurisdiction.



4. The learned Single Judge *vide* impugned judgment dated 13.11.2024 dismissed the underlying writ petition, thereby upholding the order dated 03.04.2024 passed by the respondent no.1. The relevant portions of the same read thus:

“17. In sum, the inclusion of Late Mr. Khurana under the medical insurance policy does not automatically imply eligibility or inclusion under the life insurance policy, given the distinct nature of these schemes and their respective coverage periods. The exclusion of Late Mr. Khurana from the earlier Group (Term) Insurance policy, and his subsequent inclusion in the next cycle upon application, was consequent to verification of his credentials. The verification of enrolment with the Delhi Bar Council, along with other requisite credentials, was a clear and necessary condition for inclusion under the scheme. Even though Mr. Khurana applied under CMAWS in the year 2023 on the basis of the notice dated 14th March, 2023, the Group (Term) Insurance policy bearing No. GINP/103011595 was taken from LIC only in the month of October, 2023 for the period from 20th October, 2023 to 19th October, 2024 whereas, Mr. Khurana’s death occurred on 02nd August, 2023, 79 days prior to the starting date of the policy. Insurance coverage is inherently contingent upon the activation of the policy, which, in this case, occurred after the unfortunate event.

18. As noted above, the notice dated 14th March, 2023 issued by Respondent No. 1 makes it clear that mere registration under the CMAWS would not amount to conferring any benefits under the scheme until the Delhi Bar Council enrolment number and EPIC number are duly verified by Bar Council of Delhi and National Voters Service Portal of the Election Commission of India or the Office of the Chief Electoral Officer, Delhi. It was only after this verification process that the benefits of the Group (Term) Life Insurance Policy can be given to the advocate. Thus, the Respondents cannot be faulted for denying the claim, as no contractual obligation to provide coverage existed at the relevant time.

19. In view of the foregoing, while the Court empathizes with the Petitioner’s circumstances, it is unable to grant the relief sought. No grounds are made out for quashing of the impugned order dated 3rd April 2024 passed by Respondent No.1.

20. Accordingly, the writ petition is dismissed, along with pending applications.”

5. Aggrieved by the dismissal of the underlying writ petition, the appellant has preferred the present appeal challenging the judgment dated 13.11.2024.

6. This Court, *vide* order dated 15.07.2025 had directed the BCD to file an



affidavit as to whether the appellant would be entitled to any benefit in any Scheme or Fund other than the CMAWS. The order dated 15.07.2025 is extracted hereunder:

“1. Learned counsel representing respondent no.2 shall seek instructions and file an affidavit, as to whether, the appellant is entitled to any benefit in any other scheme or fund other than the Chief Minister Advocates Welfare Scheme for which her claim has not been acceded to by the learned single judge in the impugned judgment and order.

2. List on 18.09.2025.”

7. Pursuant to the said order, Col. Arun Sharma (Retd.), Secretary, Bar Council of Delhi, by way of an affidavit has apprised this Court the details of the Schemes or Funds available for the benefit of enrolled advocates, apart from the CMAWS. The relevant portion of the said affidavit dated 11.09.2025 has been reproduced hereunder:

“6. It is submitted that the following schemes/funds are available for the benefit of enrolled advocates, apart from the Chief Minister Advocates Welfare Scheme:-

- a. Advocates Welfare Fund Trust constituted under the Advocates Welfare Fund Act, 2001.*
- b. Indigent & Disabled lawyers committee of the Bar Council of Delhi.*
- c. Bar Council of India Advocates Welfare Fund constituted under the Bar Council of India Rules.*

xx

xx

xx

16. It is submitted that the Indigent & disabled Lawyers Committee of the Bar Council of Delhi in its meeting held on 15.12.2023 had duly considered the application submitted by the appellant herein. That after due consideration the said Committee had sanctioned an amount of Rupees 10,000/- per month for two years starting from 15.12.2023. That copy of the Minutes of meeting of the Indigent & Disabled Lawyers Committee of the Bar Council of Delhi dated 15.12.2023 are annexed herewith as ANNEXURE R-2/1. It is relevant to state that the concerned advocate Late Shri Kamal Khurana, had unfortunately passed away on 02.08.2023.”

8. Having perused the affidavit dated 11.09.2025 filed by the Secretary, BCD, we are satisfied with the contents thereof.



9. We have heard the learned counsel for the parties and perused the records of the case. Clearly, the appellant does not fall within the scope of Advocates Welfare Fund Trust constituted under the Advocates Welfare Fund Act, 2021, as we are informed that benefit under this Fund is applicable and available to advocate while they are alive. To our mind, the BCD has taken a proactive and benevolent step in providing financial aid to the appellant by granting a monthly financial assistance for a period from 15.12.2023 to 15.12.2025, in order to mitigate the financial crisis the family of appellant may have found itself in, post the unfortunate loss of her son. In these circumstances, we would not be in a position to direct any further assistance from the BCD due to lack of any such Policy.

10. However, so far as Bar Council of India Advocates Welfare Fund constituted under the Bar Council of India Rules is concerned, or any other such policy that Bar Council of India or BCD may have, we grant liberty to the appellant to approach the said authorities to seek any such financial assistance as may be permissible under law. The authority of Bar Council of India (hereinafter referred to as “BCI”) or BCD is requested to consider the case of the appellant sympathetically.

11. The BCI and BCD is further requested to draw up some Policy or Scheme to alleviate the conditions of persons such as the appellant so as to ensure the family of the advocates do not suffer abject penury on account of loss of the advocate. After all, for most of the advocates and their family, usually the source of income is from the professional exertions and ordinarily they have no financial assistance in situations where the advocate unfortunately expires.

12. In view of the aforesaid, the present appeal stands disposed of alongwith pending applications.



13. Let a copy of this order be furnished to BCI and BCD forthwith.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

SEPTEMBER 18, 2025/*rl*