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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10518/2024 and CM APPL. 43233/2024

Date of Decision: **08.04.2026**

IN THE MATTER OF:

SURENDER KUMAR

.....Petitioner

Through: Mr. R K Saini and Mr. Abhishek,
Advocates.

versus

PRINCIPAL DISTRICT AND SESSIONS JUDGE EAST & ORS.

.....Respondents

Through: Mr. Tushar Sannu, Mr. Praveen
Bhardwaj and Ms. Payal Rajput,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petition is for setting aside letter dated 04/05.07.2024, issued by the Principal District and Sessions Judge (East), whereby, the petitioner's application dated 26.12.2020 for transfer of his chamber has been declined. Further, a prayer is made allotment of half portion of the Chamber No. G-426 in the Chamber Blocks Complex of Karkardooma Courts to the petitioner.
2. As per the petitioner, he is a practicing advocate at Karkardooma Courts and a member of the Shahadara Bar Association since 18.12.2009.



He claims to have applied for allotment of a chamber therein *vide* application dated 26.12.2020.

3. The petitioner's wife, Smt. Protima Parihar, who was also a practicing advocate at the Karkardooma Courts, had also independently and separately applied for allotment of a chamber. Her application was accepted and the chamber in question was allotted to her. In view thereof, the petitioner was not allotted a chamber, since as per the District Courts Karkardooma Lawyers' Chamber (Allotment & Occupancy) Rules, (1995) (applicable Rules), no advocate, whose spouse has been allotted a chamber would be eligible for allotment.

4. Subsequently, pursuant to her appointment in the District Judiciary, Vaishali (Bihar), the petitioner's wife surrendered her chamber and requested that the same be allotted to the petitioner. The petitioner has also filed a formal application dated 26.12.2020 for transfer of the chamber to his name. However, by way of the impugned communication, his application has been rejected on the ground that there was no provision under the applicable Rules for transfer of chamber to one's spouse when the other joins Government service.

5. At the outset, there does not seem to be any vested right in favour of the petitioner for allotment of the chamber. He has not been able to highlight any provision in the applicable Rules entitling him for allotment of the chamber in question.

6. Mr. R K Saini, learned counsel appearing on behalf of the petitioner, tries to invoke the discretionary power vested in the District and Sessions Judge to be exercised in consultation with the Allotment Committee, under Rule 5(b) of the applicable Rules, to allot a chamber to any eligible advocate



whose spouse is an allottee of a chamber.

7. The Court, however, does not find any reason to direct the respondents to exercise their discretionary power. The application of the petitioner has been considered and rejected.

8. The Court under Article 226 of the Constitution of India can only enforce the existing rights of the parties and cannot create additional rights. Reference can be made to the decision of the Supreme Court in *Rai Shivendra Bahadur (Dr) v. Nalanda College*.¹

9. So far as the rules applicable to High Court or any other Court complexes are concerned, they certainly would have no application to the allotment of the chamber in the present case which is specifically governed by the District Courts Karkardooma Lawyers' Chamber (Allotment & Occupancy) Rules, 1995.

10. For all those reasons, finding no justification to interfere with the impugned action, the petition stands dismissed.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

APRIL 8, 2026/AR

¹ 1961 SCC OnLine SC 20