



सत्यमेव जयते

# UTTARAKHAND COURT NEWS

(A Quarterly News letter)

Vol-V Issue No-3 (July to September, 2014)  
(October to December, 2014)



## High Court of Uttarakhand, Nainital

### EDITORIAL BOARD

Hon'ble Mr. Justice Sudhanshu Dhulia  
Hon'ble Mr. Justice U. C. Dhyani

### COMPILED BY

D.P. Gairola, Registrar General, High Court of Uttarakhand

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## UTTARAKHAND HIGH COURT

### LIST OF JUDGES (As on 31<sup>st</sup> July, 2014)

SL. No.	Name of the Hon'ble Judge	Date of Appointment
➤	Hon'ble Mr. Justice K.M. Joseph (Chief Justice)	31.07.2014
➤	Hon'ble Mr. Justice V.K. Bist	01.11.2008
➤	Hon'ble Mr. Justice Sudhanshu Dhulia	01.11.2008
➤	Hon'ble Mr. Justice Alok Singh	26.02.2013
➤	Hon'ble Mr. Justice Servesh Kumar Gupta	21.04.2011
➤	Hon'ble Mr. Justice Umesh Chandra Dhyani	13.09.2011

\* \* \* \* \*

**Hon'ble the Chief Justice**



**Hon'ble Mr. Justice K. M. Joseph**

Born on 17/06/1958. Educated at Kendriya Vidyalaya, Kochi and New Delhi, Loyola College, Chennai and Govt. Law College, Ernakulam. Enrolled as advocate on 12/01/1982 in Delhi and started practice in Civil and Writ matters. Practised at the High Court of Kerala form 1983. Permanent Member of Kerala High Court Advocates Association. Appointed as permanent Judge of the High Court of Kerala on 14/10/2004. Transferred to High Court of Uttarakhand and assumed charge on 31/07/2014 as Chief Justice of the High Court of Uttarakhand at Nainital.

**TRANSFERS, PROMOTIONS & APPOINTMENTS OF JUDICIAL OFFICERS**

(July to December 2014)

	<b>Name &amp; Designation of the Officer</b>	<b>Place of Posting</b>	<b>Date of Order</b>
1.	Sri Kanta Prasad Secretary, Lokayukta, Uttarakhand	Registrar ( Vigilance),High Court of Uttarakhand, Nainital	05.09.2014
2.	Sri Vinod Kumar A.D.J, Rudraprayag	7 <sup>th</sup> A.D.J., Dehradun	12.09.2014
3.	Smt Pritu Sharma 7 <sup>th</sup> A.D.J, Dehradun	8 <sup>th</sup> A.D.J. ,Dehradun	12.09.2014
4.	Sri Ravindra Maithani Secretary General, Supreme Court of India, New Delhi	District & Sessions Judge, Almora	29.10.2014
5.	Sri Vivek Bharti Sharma District & Sessions Judge, Pauri Garhwal	Legal Advisor to H.E. the Governor of Uttarakhand	11.11.2014
6.	Sri Kawer Sain District & Sessions Judge Almora	District & Sessions Judge, Pauri Garhwal	11.11.2014
7.	Sri Ashutosh Kumar Mishra 1 <sup>st</sup> Addl. Civil Judge (S.D) Dehradun	Civil Judge ( S.D), Dehradun	17.09.2014
8.	Sri Dharmendra Kumar Singh Civil Judge (S.D.)/ Secretary DLSA Dehradun	1 <sup>st</sup> Addl. Civil Judge (S.D.) Dehradun	17.09.2014

## MAJOR EVENTS & INITIATIVES

1. Hon'ble Mr Justice Kuttiyil Mathew Joseph, assumed charge of office of Chief Justice of High Court of Uttarakhand on 31<sup>st</sup> July 2014 at 3.00 p.m. vide Notification No K 13032/01/2014-U S 11 dated 17.07.2014 issued by Government of India , Ministry of Law & Justice (Department of Justice). A full Court reference was held at the Chief Justice Court to mark the occasion on 1<sup>st</sup> August 2014.
2. Hon'ble Mr Justice V. K. Bisht, Senior Judge of Uttarakhand High Court was appointed as Acting Chief Justice to perform the duties of the office of the Chief Justice of High Court of Uttarakhand with effect from 27<sup>th</sup> Oct 2014 vide Notification No K 11019/01/2014 U.S. 11 dated 22<sup>nd</sup> Oct 2014 issued by Government of India Ministry of Law & Justice.
3. As per directions of National Legal Services Authority and Hon'ble the Patron –in – Chief, Uttarakhand State Legal Services Authority and under the valuable guidance of Hon'ble Executive Chairman, UKSLSA ,a National Lok Adalat was organized in the state from Tehsil level to High Court level in all the Courts and quasi judicial authorities on 06.12.2014. A total number of 59,468 cases were listed in the National Lok Adalat . Out of which 21,535 cases disposed of through amicable settlement. Amount to the tune of ₹ 13,79,72,966/- were settled. With the disposal of 21,535 cases in the National Lok Adalat, the Uttarakhand State has achieved about 12.63 % of reduction in the total pendency of the state.

**INSTITUTION, DISPOSAL AND PENDENCY OF CASES**

**1. HIGH COURT OF UTTARAKHAND (from 01.07.2014 to 30.09.2014)**

						<b>Pendency as on 01.07.2014</b>		
						Civil Cases	Criminal Cases	Total Pendency
						15532	5871	21403
<b>Institution (01.07.2014 to 30.09.2014)</b>			<b>Disposal (01.07.2014 to 30.09.2014)</b>			<b>Pendency as on 30.09.2014</b>		
Civil Cases	Criminal Cases	Total Institution	Civil Cases	Criminal Cases	Total Disposal	Civil Cases	Criminal Cases	Total Pendency at the end of 30.06.14
2614	1844	4458	2263	1581	3844	15883	6134	22017



District Courts (from 01.10.2014 to 31.12.2014)

District Courts (from 01.10.2014 to 31.12.2014)

**INSTITUTION, DISPOSAL AND PENDENCY OF CASES**

**1. HIGH COURT OF UTTARAKHAND (from 01.10.2014 to 31.12.2014)**

						Pendency as on 01.10.2014		
						Civil Cases	Criminal Cases	Total Pendency
						15883	6134	22017
Institution (01.10.2014 to 31.12.2014)			Disposal (01.10.2014 to 31.12.2014)			Pendency as on 31.12.2014		
Civil Cases	Criminal Cases	Total Institution	Civil Cases	Criminal Cases	Total Disposal	Civil Cases	Criminal Cases	Total Pendency at the end of 30.06.14
2317	1549	3866	1531	1247	2778	16669	6436	23105

## 2. District Courts (from 01.07.2014 to 30.09.2014)

Sl. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 30.09.14
		Opening Balance as on 01.07.14	Institution from 01.07.14 to 30.09.14	Disposal from 01.07.14 to 30.09.14	Pendency at the end of 30.09.14	Opening Balance as on 01.07.14	Institution from 01.07.14 to 30.09.14	Disposal from 01.07.14 to 30.09.14	Pendency at the end of 30.09.14	
1.	Almora	577	190	176	591	1036	406	502	940	1531
2.	Bageshwar	121	65	58	128	419	228	229	418	546
3.	Chamoli	378	112	148	342	805	370	455	720	1062
4.	Champawat	175	82	77	180	1235	471	528	1178	1358
5.	Dehradun	11484	2381	2944	10921	54827	20496	18039	57284	68205
6.	Haridwar	8059	1549	1483	8125	29854	8984	8353	30485	38610
7.	Nainital	2751	618	620	2749	8052	2786	3639	7199	9948
8.	Pauri Garhwal	997	239	265	971	2595	708	865	2438	3409
9.	Pithoragarh	336	79	121	294	735	305	339	701	995
10.	Rudraprayag	121	64	40	145	372	468	441	399	544
11.	Tehri Garhwal	365	146	144	367	1149	415	572	992	1359
12.	U.S.Nagar	4817	896	978	4735	23370	6085	6825	22630	27365
13.	Uttarkashi	292	114	121	285	697	473	536	634	919
	<b>Total</b>	<b>30473</b>	<b>6535</b>	<b>7175</b>	<b>29833</b>	<b>125146</b>	<b>42195</b>	<b>41323</b>	<b>126018</b>	<b>155851</b>

## 2. District Courts (from 01.10.2014 to 31.12.2014)

SL. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 31.12.14
		Opening Balance as on 01.10.14	Institution from 01.10.14 to 31.12.14	Disposal from 01.10.14 to 31.12.14	Pendency at the end of 31.12.14	Opening Balance as on 01.07.14	Institution from 01.07.14 to 31.12.14	Disposal from 01.10.14 to 31.12.14	Pendency at the end of 31.12.14	
1.	Almora	591	169	213	547	940	402	421	921	1468
2.	Bageshwar	128	49	57	120	418	287	228	477	597
3.	Chamoli	342	70	94	318	720	289	320	689	1007
4.	Champawat	180	37	29	188	1178	471	553	1096	1284
5.	Dehradun	10921	1847	2118	10650	57284	12951	22671	47564	58214
6.	Haridwar	8125	1091	988	8228	30485	6825	6928	30382	38610
7.	Nainital	2749	426	408	2767	7199	2109	2297	7011	9778
8.	Pauri Garhwal	971	155	167	959	2438	796	784	2450	3409
9.	Pithoragarh	294	62	63	293	701	369	321	749	1042
10.	Rudraprayag	145	35	31	149	399	977	329	1047	1196
11.	Tehri Garhwal	367	124	146	345	992	739	668	1063	1408
12.	U.S.Nagar	4735	742	762	4715	22630	4817	5813	21634	26349
13.	Uttarkashi	285	142	103	324	634	384	378	640	964
	<b>Total</b>	<b>29833</b>	<b>4949</b>	<b>5179</b>	<b>29603</b>	<b>126018</b>	<b>31416</b>	<b>41711</b>	<b>115723</b>	<b>145326</b>

**Family Courts (from 01.07.2014 to 30.09.2014)**

SL. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 30.09.14
		Opening Balance as on 01.07.14	Institution from 01.07.14 to 30.09.14	Disposal from 01.07.14 to 30.09.14	Pendency at the end of 30.09.14	Opening Balance as on 01.07.14	Institution from 01.07.14 to 30.09.14	Disposal from 01.07.14 to 30.09.14	Pendency at the end of 30.09.14	
1.	Dehradun	1383	432	383	1432	784	241	215	810	2242
2.	Rishikesh	138	59	56	141	133	32	31	134	275
3.	Nainital	419	105	87	437	530	123	94	559	996
4.	Hardwar	561	180	137	604	492	128	105	515	1119
5.	Roorkee	452	137	99	490	338	94	44	388	878
6.	Pauri	199	17	29	187	238	33	29	242	429
7.	Udham Singh Nagar	628	217	153	692	635	121	93	663	1355
	<b>TOTAL</b>	<b>3780</b>	<b>1147</b>	<b>944</b>	<b>3983</b>	<b>3150</b>	<b>772</b>	<b>611</b>	<b>3311</b>	<b>7294</b>

## Family Courts (from 01.10.2014 to 31.12.2014)

SL. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 31.12.14
		Opening Balance as on 01.10.14	Institution from 01.10.14 to 31.12.14	Disposal from 01.10.14 to 31.12.14	Pendency at the end of 31.12.14	Opening Balance as on 01.10.14	Institution from 01.10.14 to 31.12.14	Disposal from 01.10.14 to 31.12.14	Pendency at the end of 31.12.14	
1.	Dehradun	1432	382	383	1431	810	182	165	827	2258
2.	Rishikesh	141	30	24	147	134	25	25	134	281
3.	Nainital	437	85	74	448	559	88	75	572	1020
4.	Hardwar	604	157	151	610	515	99	86	528	1138
5.	Roorkee	490	114	149	455	388	106	94	400	855
6.	Pauri	187	47	49	185	242	48	60	230	415
7.	Udham Singh Nagar	692	164	147	709	663	93	72	684	1393
	<b>TOTAL</b>	<b>3983</b>	<b>979</b>	<b>977</b>	<b>3985</b>	<b>3311</b>	<b>641</b>	<b>577</b>	<b>3375</b>	<b>7360</b>

**Circular Letter issued by the High Court from 01.07.2014 to 31.12.2014**

**C.L. No. 22/ UHC/XVII- /D.R.(I)/2014      dated: July 8 , 2014**

**Sub:      EXPEDITIOUS DISPOSAL OF THE ADOPTION CASES**

Sir /Madam,

In the light of the judgment of Hon'ble Supreme Court in Laxmi Kant Vs Union of India, (1985) Supp. SCC,701 and letter from Hon'ble Minister of for Women, Child Development, Government of India on the above noted subject, I have been directed to request you to send quarterly statement as to pendency of cases pertaining to adoption in your district in the following proforma:

Name of the Court/Child Welfare Committee	List of pending applications for adoption as on 31.05.2014	Date from which the application is pending	Stage at which the inquiry is pending	Remarks

You are further requested to inform all concerned that matters pertaining to adoption must be disposed of at the earliest and in any event not later than two months from the date of filing of application and ensure strict compliance of the above directions.

Registrar General

**C.L. No. 23/UHC/XVII- /D.R.(I)/2014 dated: July 9, 2014**

**Sub: EXPEDITIOUS DISPOSAL OF THE CASES AGAINST SITTING MPs AND MLAs FILED U/S 8(1),8(2) & 8(3) OF THE REPRESENTATION OF PEOPLES ACT, 1951.**

Sir /Madam,

On the above noted subject, I have been directed to inform you that Hon'ble Supreme Court has directed for expediting the proceeding against sitting MPs and MLAs in criminal cases and has also set a deadline for the Trial Courts to complete the hearing of the cases within a year of framing of charges.

Para 12 of the order reads as under:

“12. We, accordingly direct that in relation to sitting MPs and MLAs who have charges framed against them for the offences which are specified in Section 8(1), 8(2) and 8(3) of the RP Act, the trial shall be concluded as speedily and expeditiously as may be possible and in no case later than one year from the date of the framing of charge(s). In such cases, as far as possible, the trial shall be conducted on a day-to-day basis. If for some extraordinary circumstances the concerned court is being not able to conclude the trial within one year from the date of framing of charge(s), such court would submit the report to the Chief Justice of the respective High Court indicating special reasons for not adhering to the above time limit and delay in conclusion of the trial. In such situation, the Chief Justice may issue appropriate directions to the concerned court extending the time for conclusion of the trial.”

You are requested to kindly inform the High Court about the present status of above types of cases.

You are informed accordingly to ensure strict compliance of the above directions by all concerned.

Registrar General

C.L. No. 24 /UHC/XVII-7/D.R.(I)/2014 dated: July, 31 2014 :

**REGARDING WRITING ORDERS ON ORDER SHEETS Etc. IN CLEAR AND LEGIBLE HANDWRITING**

In continuation of C.L. No. 21/UHC/XVII-7/D.R.(I)/2014 dated 19.06.2014 and G.L. No. 3414/UHC/XVII-7/D.R.(I)/2014 dated 16<sup>th</sup> July 2014 on the above noted subject, I have been directed to inform you that it has come to the notice of the Court that in the applications/petitions or objections or pleadings of any sort filed in different Courts, the names of Advocates appearing in the case is not written in clear and legible handwriting.

In this connection, I have been directed to request you to ensure that in all applications/petitions or objections or pleadings of any sort, the names of the Advocate appearing in the case be written in clear and legible handwriting. Further, the registration number provided by Bar Council of Uttarakhand be written on the Vakalatnamas.

You are further requested to inform the Bar Associations and the Presiding Officers of different Courts accordingly and ensure that the Advocates and the Presiding Officers of different Court must comply with the above direction of the Hon'ble Court.

Registrar General



C.L. No. /UHC/XVII-10/D.R.(I)/2014 dated: November, 2014 :

**Strike by the Advocates in the State of Uttarakhand.**

In continuation of this Court's C.L. No. 6/2001 dated 16.03.2001 on the above noted subject, I have been directed to inform you that it has been experienced that the incidents of strike and abstention of work by lawyers have increased in the recent past in different District Courts & other Subordinate Courts which is paralysing the Court work and is illegal and amounts to professional misconduct on the part of lawyers in view of pronouncement of Apex Court in Lt. Col. S.J.Chaudhary v/s State (Delhi Administration) reported in (1984) 1 SCC 722; Mahabir Prasad Singh v/s Jacks Aviation Private Limited reported in (1999) 1 SCC 37, Ramon Services Pvt. Ltd. V/s Subash Kapoor & others, reported in (2001) 1 SCC 118 and Ex. Capt. Harish Uppal v/s Union of India & another reported in (2003) 2 SCC 45.

In this regard, Hon'ble Court has issued following directions:

1. The court is not obliged to adjourn a cause because of the strike call given by any association of advocates of a decision to boycott the courts either in general or any particular court. It is the solemn duty of every court to proceed with the judicial business during court hours. No court should yield to pressure tactics or boycott calls or any kind of browbeating.
2. The decision of Hon'ble Supreme Court, which is the law of land as per Article 141 of the Constitution of India and as delivered in Ex-Captain Harish Uppal vs Union of India; 2003(2) SCC 45 must be followed by all Courts and lawyers in true spirit and sense.

You are therefore requested to inform all concerned accordingly and ensure that the Presiding Officers of different Courts and lawyers must comply with the above directions in true letter and spirit.

Registrar General

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## Some Recent Judgements of Uttarakhand High Court

### Division Bench Judgements

- (1) In Special Appeal no.260/2014 *U.P. Financial Corporation V/s Govind Singh Rautela* decided on 04.07.2014 a division bench dismissing the appeal observed that where no limitation was prescribed by the statute to exercise a power, the same could be exercised within a reasonable period and that the delay of 17 years could not be said to be a reasonable period.
- (2) In Central Excise Appeal no. 1/2001 Commissioner, *Customs and Central Excise V/s Sachin Malhotra* decided on 06.08.2014 a division bench dismissing the Appeal observed that under the rent-a-cab scheme the hirer is given the freedom to take the vehicle, wherever he wishes, and he is only obliged to keep the holder of the license informed of his movements from time to time. Unless the control and possession of the vehicle is passed to the hirer under the rent-a-cab scheme, there can not be a taxable transaction under section 65 (105) (O) r w. Section 65 (91) of the Finance Act, 1994.
- (3) In Special Appeal no. 390/2014 State of *Uttarakhand and Others V/s Keshavanand Jhaldiyal* decided on 22.09.2014, a division bench while disposing the appeal observed that it is settled law that even a decision or an order, which may be void as being ultra vires, must be questioned and either its voidness should be got declared or other suitable relief in this regard, should be sought. Even if an order is void, it requires to be so declared by a competent forum and it is not permissible to any person to ignore the same merely because in his opinion the order is void.
- (4) In Special Appeal no. 263/2014 *Mussorie Dehradun Development Authority V/s Rajesh Goyal* and others land under acquisition process, require for the development plan prepared by MDDA for development of Chakrata Road, Dehradun which plan had been duly approved by the government. Accordingly Collector issued notification under section 4 (1)/ 17 (4) of the Land Acquisition Act which was quashed by the Hon'ble Single Judge of High Court. That order was challenged. The division bench held that MDDA was a necessary party with said acquisition proceedings and considering the status of MDDA, it could not be said that

MDDA was not a party aggrieved and nor there was any impediment for filing Special Appeal by MDDA under the Allahabad High Court Rules.

The bench further observed that a provision which could have been, or should have been in a statute, but is actually not there, is normally not provided by the Courts, indeed by and large, the Courts have adhered to the maxim *Casus Omissus pro omisso habendus* (a case omitted is to be held as (intentionally) omitted).

- (5) In Writ Petition (PIL) no. 160/2014 *Ranjeet Singh Gill V/s State of Uttarakhand and Others* the petitioner challenged the Mining policy of the state and action of State Government allowing sublease of mining to private individuals in a forest area. The bench while quashing the G.O. dated 22.03.2013 held that the permission under section 2 of the Forest (Conservation) Act had been granted on the State Government's clear undertaking that no sub-lease would be granted to the private individuals and the Government's decisions of subletting the mining lease in favour private individuals in the forest area was not justified.
- (6) In Special Appeal no. 496/2013 *Director School Education and Another V/s Smt. Munni Tilara and Others*, the matter relates to Article 7 of Limitation Act regarding Principle of waiver and Principle of laches, the bench held although the rigid provisions of the Limitation Act are not applicable in Writ Petition, however broad principles of the said Act are always applicable. Under section 7 of Limitation Act, wages can be recovered within 3 years and on the face of it, Writ Petition is barred by Principle of waiver and laches.
- (7) In Writ Petition no. 341/2011 (SB) Controller of Administration, *Central Building Research Institute and others V/s Smt. Sumitra*, the issue relates to compassionate appointment. The bench while dismissing the employer's petition held that the procedural rules are subservient to the cause of justice and since the employer had kept the matter pending for years, while there being no fault of the applicant, relaxation ought to have been given to her.
- (8) In Writ Petition (SB) no. 453/2014 *Chandra Singh Gwal V/s State of Uttarakhand* the matter relates to charges of financial irregularities and delayed chargesheet. The bench while dismissing the petition observed that it is well settled that the financial irregularities can not be said to be minor or formal irregularity, warranting minor punishment. If chargesheet contain minor charges of irregularity, that too after inordinate delay, those charges, in the

peculiar facts and the circumstances of the case, may not justify the disciplinary enquiry or any major punishment, but if the charges are grave in nature, that too of financial irregularities/ embezzlements, delay should not come in way of disciplinary enquiry.

### Single Bench Judgements

- (1) In Criminal Appeal No. 105/2012 *Pritam Singh V/s State of Uttarakhand*, Criminal Appeal No. 238/2012 *Pala Singh @ Jaspal Singh V/s State* and Criminal Appeal No. 94/2012 *Darshan Singh V/s State* decided on 24.12.2014, the bench while allowing all the appeals held that medical report does not support the case of prosecution as neither any internal injury nor any external injury was seen on the body of victim. While the clothes of the prosecutrix were sent for chemical examination to find out human sperms but sperms of none of the accused were sent for matching, this is negligence on the part of investigation. It is further directed that copy of judgement be sent to D.G. of Police who will examine the case and will issue the necessary instructions to all concerned.
- (2) In Criminal Appeal No. 273/2011 *Vikram Singh V/s State of Uttarakhand* decided on 24.12.2014 while dismissing the appeal and affirming the conviction, the bench observed that by reading the entire evidence of victim there is no reason to disbelieve her statement. She cannot be said a tutored witness as whatever she has said in her examination-in-chief, same was said by her at the time of giving statement under section 164 Cr.P.C. Moreover, immediately after the incident her father lodged complaint with Gram Pradhan, there is nothing on record in which basis it can be said that appellant has been falsely implicated.
- (3) In Criminal Misc. Application (C-482) no. 1164/2012 *Suman V/s State of Uttarakhand* and others decided on 01.09.2014, the question arises before bench is whether in a case where FIR is lodged and after completion of investigation, police submits a report that no offence was committed, the Magistrate can accept the report and drop the proceeding without issuing notice to the first informant or to the injured or in case death occurred to the relatives of the deceased or not.  
The bench observed that Hon'ble Apex Court Land mark decision of *Bhagwat Singh V/s Commissioner of Police and others* AIR 1985 SC1285 held that any obligation on the Magistrate to issue notice to injured person or to a relatives of the deceased can not be spelt

out unless such person is informant who lodged FIR. But even if such person is not entitled to notice from Magistrate, he can appear before the Magistrate to make his submissions when the report is considered and the Magistrate is bound to hear him.

- (4) In Second Appeal No. 78/2012 *Rajendra Singh and Other V/s Sundar Singh*, the bench observed that the Will in question has been proved in accordance with Section 63 of Succession Act and Section 68 of Evidence Act. The above view was also affirmed by Hon'ble Supreme Court in *Ramabai Padmakar Patil through L.Rs. V/s Rukmini Bai Vishnuvekhande and others 2003 (53) ALR 125*.
- (5) In Writ Petition (S/S) no. 333/2014 *Praveen Kumari and others V/s State of Uttarakhand*, the bench held that a "Shiksha Mitra" can not be said to be in service, nor he gets salary, but he is simply working as a part time arrangement on an honorarium. It is further directed that respondent who were working as "Shiksha Mitra" should continue to work as "Shiksha Mitra" and should be given chance to qualify the TET and if they would qualify TET examination, only then they should be considered for permanent appointment as teacher.
- (6) In Writ Petition No. 1367/2014 (M/S) *Layeeek Ahmad V/s Pitamber Maulekhi*, the bench observed that if initial entry of the person in possession, is permissible, then after the expiry of the permission or after revocation of the permission/ license, possession becomes unauthorised, but he is not a trespasser, however if initial entry is itself illegal, person in possession is trespasser.
- (7) In Writ Petition No. 2609 (M/S) of 2013 *Ravindra Pal Singh Negi and others V/s Commission* the bench observed that while considering the application under section 5 Limitation Act moved with application for setting aside ex-parte decree, the Court should not adopt hyper technical view and some leniency should be shown in favour of applicants in order to do the complete justice, but the applicants, seeking the condonation of delay are duty bound to furnish satisfactory explanation for remaining absent before the trial Court on the date fixed and if the reasons are not satisfactory, delay should not be condoned.
- (8) In Writ Petition (M/S) no. 2735/2014 *S.C. Mathur V/s Dr. Rahul Khanna and others*, plaintiffs filed appeal in which he moved application under Order 41 R. 27 for permission to produce certain documents. The Application was allowed and documents be kept on record.

While hearing the Writ against the said order, the bench held that the powers to take additional evidence can be exercised by the Appellate Court not only to enable it to pronounce judgements, but for any other substantial cause also.

(9) In Criminal Appeal No. 353/2003 *Anil Singh Manral V/s State of Uttarakhand* decided on 20.08.2014, the bench while set asiding the conviction, observed that Regulation 70 of the Police Regulations empowers the Armed Police to use fire arms to control the crowd and if any Magistrate is not available at the spot, the incharge of the Police Station is empowered to open fire for protection of lives and property and that in the case at hand, the lives of police personnel could not be left at the hands of violent law breaking hooligans and the decision to open fire was most appropriate to save the lives of police personnel and the Government property.

(10) In Civil Revision No. 34/2012 ONGC, *Tel Bhawan Dehradun V/s Ms. Goyal Traders and Contractors and Others* decided on 05.11.2014, the single bench while dismissing the revision observed that if the judgement debtor prefers an appeal against a decree and if there are no stay orders of the appellate Court, then the decree holder is at liberty to get the decree executed or to wait till the appeal is adjudicated and if he moves application for execution after disposal of the appeal, the limitation would run from the date of disposal of the appeal, even if the appeal had not been admitted for hearing and even if the appeal is not decided on merits.

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**UTTARAKHAND JUDICIAL AND LEGAL ACADEMY, BHOWALI, NAINITAL****Training Programmes held in the month of  
July, August and September 2014 :-**

S. No.	Name of Training Programmes/ Workshops	Duration
1.	Refresher Training Programme for Civil Judges (Sr. Div./ Jr. Div.) on 'Upgradation of Knowledge and Review of Civil Laws and Procedure in the Courts' in respect of Law as to Injunction, issue of Commission, Execution, Court Fee and Suit evaluation (IIIrd phase)	08-11 July, 2014 (Tuesday to Friday)
2.	Workshop on issues relating to Juvenile Justice under the Juvenile Justice (Care & Protection of Children) Act, 2000 for Juvenile Justice Boards of the State	21 & 22 July, 2014 (Monday & Tuesday)
3.	Workshop on 'Quality Investigation' for Investigation Officers of Police Department	1 & 2 August, 2014 (Friday & Saturday)
4.	Workshop on 'Negotiable Instrument Act' for Special Judicial Magistrates	05 & 06 August, 2014 (Tues & Wednesday)
5.	Workshop for Judges of Subordinate Courts of State of Uttarakhand on 'Matrimonial Jurisprudence'	11-13 August, 2014 (Mon to Wednesday)
6.	Workshop on "Effective Investigation" for Investigating Officers of Uttarakhand Revenue Department (I <sup>st</sup> phase)	26-30 August, 2014 (Tuesday to Saturday)
7.	Workshop for the Revenue Police on 'Effective Investigation' (I <sup>st</sup> Phase)	15 & 16 September, 2014 (Monday & Tuesday)
8.	Special Training Programme for District Judges and Addl. District Judges of Uttarakhand At National Institute of Administration Research (Lal Bahadur Shastri National Academy of Administration), Mussoorie (Ist phase)	17-19 September, 2014 (Wednesday to Friday)

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**UTTARAKHAND JUDICIAL AND LEGAL ACADEMY, BHOWALI, NAINITAL****Training Programmes held in the month of  
October, November and December 2014 :-**

<b>S. No.</b>	<b>Name of Training Programmes/ Workshops</b>	<b>Duration</b>
1.	Sensitization programme on the preparation of medical reports related to 'Sexual Offences' for the Doctors of the Govt. Hospitals, Uttarakhand	07 & 08 October, 2014 (Tuesday & Wednesday)
2.	Conference on 'Environmental Protection' for All the Judicial Officers of Kumaon Division	11 October, 2014 (Saturday)
3.	Special Training Programme for District Judges and Addl. District Judges of Uttarakhand At National Institute of Administration Research (Lal Bahadur Shastri National Academy of Administration), Mussoorie (IIrd phase)	16-18 October, 2014 (Thursday to Saturday)
4.	Special Training Programme for District Judges and Addl. District Judges of Uttarakhand At National Institute of Administration Research (Lal Bahadur Shastri National Academy of Administration), Mussoorie (IIIrd phase)	29-31 October, 2014 (Wednesday to Friday)
5.	Refresher Training Programme on Ubuntu-Linux Operating System for Honb'le High Courts Judicial Officers & UJALA	01 -02 November, 2014
6.	Refresher Training Programme for Advocates (IIIrd phase)	07, 08 & 09 November, 2014 (Friday to Sunday)
7.	Special Training Programme for District Judges and Addl. District Judges of Uttarakhand At National Institute of Administration Research (Lal Bahadur Shastri National Academy of Administration), Mussoorie (IVth phase)	13-15 November, 2014 (Thursday to Saturday)
8.	Foundation Training Programme for Newly Recruited Civil Judges (J.D.) 2012 Batch (IIIrd phase)	01 November, 2014 – 07 February, 2015
9.	Workshop for Addl./Deputy/ Assistant District Government Counsels (Civil)	01-04 December, 2014 (Monday to Thursday)
10.	Special Training Programme for District Judges and Addl. District Judges of Uttarakhand At National Institute of Administration Research (Lal Bahadur Shastri National Academy of Administration), Mussoorie (Vth phase)	02-04 December, 2014 (Tuesday to Thursday)
11.	Reflective Training Programme for Civil Judges (Jr. Div.) 2011 Batch	08-22 December, 2014

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Refresher Training Programme on 'Ubuntu-Linux-Operating System'  
(Duration: 01-02 Nov, 2014)



Refresher Training Programme on 'Ubuntu-Linux-Operating System'  
(Duration: 01-02 Nov, 2014)



Foundation Training Programme  
for  
Civil Judges (Jr. Div.)-2012 Batch  
(01.11.2014-07.02.2015)





Nainital