

**THE COURT OF SH. NEERAJ GAUR :JUDGE FAMILY COURT
NORTH- DISTRICT: ROHINI COURTS, : DELHI**

RTI Appeal No.07/23
dt : 24.11.2023

First Appeal Under Section 19 (1) of RTI Act, 2005

Appellant (s)/Complainant (s)	Respondent (s)
Dr. Shambhuji, Adv., R/o E-907, Saraswati Vihar, Delhi-110034. M. No.-9868928326	Public Information Officer under RTI Act O/o Ld. Principal District & Sessions Judge, North District, Rohini Courts, Delhi

Date of receipt of RTI request	Date of Registration of First Appeal	Date of Final Order
17.10.2023	24.11.2023	04.12.2023

Present : Appellant in person.

Ms. Meenu Kocher, branch in-charge, RTI on behalf of PIO
alongwith Ms. Anuradha Bhargav, JA.

Reply filed.

Arguments heard.

Put up for orders during the course of the day.

(Neeraj Gaur)
Judge, Family Courts
Rohini Courts/Delhi/04.12.2023
First Appellate Authority, RTI

ORDER

1. This is a first appeal u/s 19 (1) of the RTI Act 2005. The appellant made an RTI query dt. 16.10.2023 to the PIO, North, Rohini courts, Delhi.

2. The RTI query and the response of the PIO is reproduced herein below :-

Information sought:-

S. No.	Information required
(i)	Certified copy of Circulars/Directions of the Hon'ble Supreme - Court and Hon'ble High Court of Delhi to grant priority in hearing of cases pertaining to the senior citizens.
(ii)	Certified copy of priority Lists of cases of senior citizens pending in the Ld. Court of ADJ, North, Rohini, Delhi Sh. Vikram Bali, North District, Rohini Courts.
(iii)	Certified copy of the Notification No.82/G-4/Genl.-I/DHC dated 01.09.2023 High Court of Delhi, New Delhi.
(iv)	Whether Ld. Court of ADJ, North Delhi Sh. Vikram Bali, North District, Rohini Courts has complied with the Notification No.82/G-4/Genl.-I/DHC dated 01.09.2023 High Court of Delhi: New Delhi.
(v)	Certified copy of respective dates of adjournments along with No. and title of the cases; given by Ld. Court of ADJ, North Delhi, Sh. Vikram Bali, North District, Rohini Courts for the cases that were already fixed on 09.09.2023; in compliance to Notification No.82/G-4/Genl.-I/DHC dated 01.09.2023 High Court of Delhi: New Delhi.

Reply of RTI Application :-

Points No. (i) & (iii)	The information sought has been collected from the concerned Branch and the copy of the same is enclosed herewith for your reference.
Point No. (ii)	The information sought has been collected from the concerned Court and the copy of the same is enclosed herewith for your reference.
Point No. (iv) & (v)	<p>It is to inform that information asked for relates to judicial proceeding, judicial functions or the matters incidental or ancillary thereto and exempted from disclosure as per Rule 7 (vi) r/w 9 (x) of the Delhi District Court (Right to Information) Rules, 2008.</p> <p>However, it is to inform that you can obtain certified copies of desired judicial record from the Copying Agency Branch of this office and inspect the file by following procedure laid down in Delhi High Court Rules and orders. These provisions are consistent with the provisions of the RTI Act.</p>

3. Aggrieved by the reply given by the PIO, the present first appeal has been filed stating that RTI request has not been completely answered.
4. The appellant submits that he has no grievance to the information given in respect of query no.i & iii.
5. As regards query no.ii, appellant submits that the court of Ld. ADJ, Sh. Vikram Bali was supposed to maintain a list of cases in respect of senior citizens but it has been replied that no such list is maintained. My attention has been drawn to the circular dt. 24.09.2010 issued by Ld. D&SJ – 01. As per the said circular, the courts have been impressed upon to identify and dispose off the cases pertaining to persons above 65 years of age. In my opinion, the identification of such cases does not necessarily mean that a list is to be maintained as a case falling in such category can be identified and marked differently. The above circular does not mandate maintaining such a list. Moreover, when the concerned court has informed that no such list is maintained, the PIO cannot give an information which is not being maintained. I find no error in the reply given to query no.ii.
6. During the course of arguments, the appellant submitted that the query no.iv has been satisfactorily replied and he has no grievance.
7. As regards query no.v, it is submitted that the appellant has asked for certified copy of the cause-list of 09.09.2023 bearing the next date of hearing entered by the Reader of the court. The PIO has stated that the same being a judicial record is available through a certified copy that can be obtained from Copying Agency and the same can also be inspected as per the Rules. On behalf of the PIO, reliance has been placed on the judgment passed by the Hon'ble High Court of Kerala in

case titled as MP Choathy Vs. Registrar General WP(c) 23224 of 2022 decision dt. 20.07.2022. I have perused the judgment. In the said case, it was held that the diary of civil and criminal posting of cases can be obtained on filing of copy (Certified) application hence there was no denial of information by the PIO concerned. In the said judgment, the diary of postings to be maintained in the court is required to be signed by the Presiding Officer. As per the practice being followed in Delhi, the cause lists are maintained by the Reader who enters the *kharjaa* therein. They are not signed either by the Reader or by the Presiding Officer. Therefore, such cause list cannot be treated as a judicial record of which certified copy can be obtained. The appellant is therefore entitled to a copy of the cause list maintained by the concerned court for the date of 09.09.2023.

8. In view of above discussion, the appeal is **partly allowed with directions** to the PIO to furnish the copy of the cause list dt. 09.09.2023 of the court of Sh. Vikram Bali, Ld. ADJ within 5 working days.
9. No order as to costs.
10. RTI Branch is directed to upload the copy of this order on the online portal of RTI as the present RTI appeal was received through electronic mode only.
11. Copy of order be given dasti.

(Neeraj Gaur)
Judge, Family Courts
Rohini Courts/Delhi/04.12.2023
First Appellate Authority, RTI