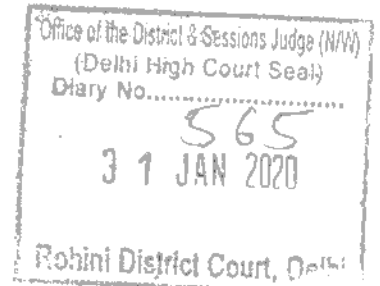


IN THE DELHI HIGH COURT OF NEW DELHI

No. 4239X C-1Dt.: 31-01-2020

From,

The Registrar General,
High Court of Delhi,
New Delhi.



To,

1. The District Judge, (Headquarter), Tis Hazari Court, Delhi.
2. The District Judge, District-Central, Tis Hazari Court, Delhi.
3. The District Judge, District-West, Tis Hazari Court, Delhi.
4. The District Judge, District North-West, Rohini Courts, Delhi.
5. The District Judge, District North, Rohini Courts, Delhi.
6. The District Judge, East, Karkardooma Court, Delhi.
7. The District Judge, North-East, Karkardooma Courts, Delhi.
8. The District Judge, Shahdara, Karkardooma Courts, Delhi.
9. The District Judge, South, Saket Courts, New Delhi.
10. The Districts Judge, South-East, Saket Court, New Delhi.
11. The District Judge, South-West, Dwarka Court, New Delhi.
12. The District Judge, District-New Delhi, Patiala Houes Court, New Delhi.
13. The District Judge-cum-Special Judge, Rouse Avenue, New Delhi.

C.M. (M) No. 1637/2019

Deepti Khera

.....Petitioner

Vs.

Siddarth Khera

....Respondents

Respected Sir/Madam,

I am directed to say that Hon'ble Ms. Justice Prathiba M. Singh in order dated 18th November, 2019 passed in aforementioned Petition, has issued certain directions in respect of pronouncement of orders. You are requested to circulate the copy of order dated 18th November, 2019 passed in CM (M) No. 1637/2019 amongst all judicial officers in the Trial Courts for compliance of the directions.

Copy of the order dated 18th November, 2019 passed in C.M. (M) No. 1637/2019 is enclosed herewith for information and circulation to all judicial officers in the Trial Courts.

Yours faithfully

Joint Registrar (Appellate)
For Registrar General

Be put up before
Jt. Secy (Genl.)

Quaini

044. 27-55(2)

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CM(M) 1637/2019

DEEPTI KHERA Petitioner

Through: Mr. Ankur Bhasin, Advocate.
versus

SIDDHARTH KHERA Respondent

Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER

% 18.11.2019

CM APPL. 49565/2019(exemption)

1. Allowed, subject to all subject exceptions. Application is disposed of.
CM(M) 1637/2019
2. Ld. counsel for the Petitioner submits that there is a typographical error in paragraph VI of the petition. Line 1 of paragraph VI should read as under:

"That the petitioner was working in a school on ad-hoc basis is hardly able to maintain herself completely and as such is a burden on her family i.e. a widow mother and married brother who is already bound by the obligations of maintaining his own family."
3. The grievance in this petition is that despite arguments having been heard in the application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (*hereinafter*, "*PWDVA*"), the matter is being repeatedly adjourned since 18th October, 2018.
4. Ld. counsel submits that despite repeated requests and an early hearing application being moved, no order has been pronounced.

5. A perusal of the order-sheet reveals that the orders are pending since 18th October, 2018, for various reasons, including non-availability of stenographer, no time left as evidence is being recorded, and other pre-occupations.

6. It is the settled position in law, as per the judgment of the Hon'ble Supreme Court in *Anil Rai v. State of Bihar*, (2001) 7 SCC 318 that once matters are reserved for orders, usually, the same should be pronounced within a time schedule. In *Anil Rai (supra)* it has been observed as under:

"8. The intention of the legislature regarding pronouncement of judgments can be inferred from the provisions of the Code of Criminal Procedure. Sub-section (1) of Section 353 of the Code provides that the judgment in every trial in any criminal court of original jurisdiction, shall be pronounced in open court immediately after the conclusion of the trial or on some subsequent time for which due notice shall be given to the parties or their pleaders. The words "some subsequent time" mentioned in Section 353 contemplate the passing of the judgment without undue delay, as delay in the pronouncement of judgment is opposed to the principle of law. Such subsequent time can at the most be stretched to a period of six weeks and not beyond that time in any case. The pronouncement of judgments in the civil case should not be permitted to go beyond two months."

7. The Hon'ble Supreme Court in *Anil Rai (supra)* has also passed certain guidelines regarding pronouncement of judgments. The same are reproduced below:

(i) The Chief Justices of the High Courts may issue appropriate directions to the Registry that in a case where the judgment is reserved and is pronounced later, a column be added in the judgment where, on the first page, after the cause-title, date of reserving the judgment

and date of pronouncing it be separately mentioned by the Court Officer concerned.

(ii) That Chief Justices of the High Courts, on their administrative side, should direct the Court Officers/Readers of the various Benches in the High Courts to furnish every month the list of cases in the matters where the judgments reserved are not pronounced within the period of that month.

(iii) On noticing that after conclusion of the arguments the judgment is not pronounced within a period of two months, the Chief Justice concerned shall draw the attention of the Bench concerned to the pending matter. The Chief Justice may also see the desirability of circulating the statement of such cases in which the judgments have not been pronounced within a period of six weeks from the date of conclusion of the arguments amongst the Judges of the High Court for their information. Such communication be conveyed as confidential and in a sealed cover.

(iv) Where a judgment is not pronounced within three months from the date of reserving it, any of the parties in the case is permitted to file an application in the High Court with a prayer for early judgment. Such application, as and when filed, shall be listed before the Bench concerned within two days excluding the intervening holidays.

(v) If the judgment, for any reason, is not pronounced within a period of six months, any of the parties of the said lis shall be entitled to move an application before the Chief Justice of the High Court with a prayer to withdraw the said case and to make it over to any other Bench for fresh arguments. It is open to the Chief Justice to grant the said prayer or to pass any other order as he deems fit in the circumstances.

8. The Civil Procedure Code, 1908, prescribes thirty days as the time in which a judgment should be pronounced. Order XX Rule 1 of the CPC reads as under:

"1. Judgment when pronounced. — [(1) The Court, after the case has been heard, shall pronounce judgment in an open Court, either at once, or as soon thereafter as may be practicable and when the judgment is to be pronounced on some future day, the Court shall fix a day for that purpose, of which due notice shall be given to the parties or their pleaders:

Provided that where the judgment is not pronounced at once, every endeavour shall be made by the Court to pronounce the judgment within thirty days from the date on which the hearing of the case was concluded but, where it is not practicable so to do on the ground of the exceptional and extraordinary circumstances of the case, the Court shall fix a future day for the pronouncement of the judgment, and such day shall not ordinarily be a day beyond sixty days from the date on which the hearing of the case was concluded, and due notice of the day so fixed shall be given to the parties or their pleaders.] "

9. While this Court is conscious of the fact that there are pressures on the Trial Courts, non-pronouncement of orders for more than a year cannot be held to be justified. It has been observed in several matters that trial courts keep matters 'FOR ORDERS' for months together and sometimes orders are not pronounced for even 2-3 years. Thereafter the judicial officer is transferred or posted in some other jurisdiction and the matter has to be reargued. Such a practice puts enormous burden on the system and on litigants/lawyers. The usual practice ought to be to pronounce orders within the time schedule laid down in the CPC as also the various judgements of the Supreme Court. In civil cases maximum period of two months can be taken for pronouncing orders, unless there are exceptional cases or there are very complex issues that are involved.

10. Accordingly, in respect of pronouncement of orders, the following

directions are issued:

- i. When arguments are heard, the order sheet ought to reflect that the matter is part-heard;
 - ii. Upon conclusion of arguments, the order sheet ought to clearly reflect that the arguments have been heard and the matter is reserved for orders. If the court is comfortable in giving a specific date for pronouncing orders, specific date ought to be given;
 - iii. Orders ought to be pronounced in terms of the judgment of the Supreme Court in *Anil Rai (supra)*;
 - iv. The order ought to specify the date when orders were reserved and the date of pronouncement of the order.
11. Ld. counsel submits that the next date in the matter is 18th December, 2019. On or before the next date, the ld. Trial Court shall pass orders in the application under Section 12 of the PWDVA. Let this order be communicated to the MM:MC, North-West, Rohini Courts, Delhi in 43 CT. Cases 18977/2016 titled *Deepti Khera v. Sidharth Khera & Ors*, by a special messenger, including by e-mail.
12. With these observations, the petition and all pending applications are disposed of. A copy of this order be circulated by the worthy Registrar General for circulation to all judicial officers in the Trial Courts.

Sd

PRATHIBA M. SINGH, J.

NOVEMBER 18, 2019

dj

TRIAL COPY

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**OFFICE OF THE DISTRICT & SESSIONS JUDGE NORTH-WEST DISTRICT
ROHINI COURTS:DELHI**

Genl./NW & N/Rohini/2020/...5.6.3/...5 2020


Delhi, dated the...3/2/2020.

Sub:- Copy of order dated 18.11.2019 passed by the Hon'ble Ms. Justice Prathiba M. Singh in C.M. (M) No. 1637/2019 titled as Deepti Khera Vs. Siddarth Khera.

Enclosed copy of letter bearing endst. No. 4239X C-1 dated 31.01.2020 alongwith a copy of order dated 18.11.2019 passed by the Hon'ble Ms. Justice Prathiba M. Singh in C.M. (M)-No. 1637/2019 titled as Deepti Khera Vs. Siddarth Khera is being forwarded for information and necessary compliance to :-

1. All the Ld. Judicial Officers, DHJS & DJS, posted at North-West and North District, Rohini Courts, Delhi (including Family Courts).
2. Reader to Ld. District & Sessions Judge, North-West and North District, Rohini Courts, Delhi.
3. Personal Office, North-West & North District, Rohini Courts Complex, Delhi.
4. The Dealing Official, Computer Branch, Rohini Courts, Delhi for uploading the same on WEBSITE.
5. The Dealing Official, R & I Branch, Rohini Courts, Delhi for uploading the same on LAYERS.

Encl:- As above


(Rakesh Kumar-IV)
Officer Incharge, General Branch-I,
North-West & North District,
Rohini Courts Complex, Delhi.