OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
ROHINI COURTS: DELHI

Genl.I/F 3(A)/N-W & N/Rohini/2020/187-190(own) Delhi, dated the 23/11/2020

Copy of the order dated 22.07.2020 passed by Hon'ble Ms. Justice Prathiba M. Singh of Hon'ble High Court of Delhi in C.R.P. 53/2020 & CM Appls. 15960-61/2020 titled " Dalbir Singh v/s Satish Chand " is being forwarded for information and necessary compliance to :

1. All the Ld. Judicial Officers, **(DHJS & DJS)**, North-West & North District, Rohini Courts, Delhi (through email-id).

2. Personal Office, Ld. Principal District & Sessions Judge, North-West & North District, Rohini Courts Complex, Delhi (through email-id).

3. The Dealing Official, R & I Branch, Rohini Courts, Delhi for uploading the same on LAYERS (through email-id).

4. The Dealing Official, Computer Branch, Rohini Courts, Delhi for uploading the same on WEBSITE (through email-id).

Binny
Z.

for **(G. K. Mathur)**
Incharge
General Branch-I
Pr. District & Sessions Judge's Office
North-West & North District,
Rohini Courts, Delhi.

IN THE HIGH COURT OF DELHI AT NEW DELHI

No.3441-3453 /DHC/Gaz/G-2/Judgment/2020 19th November, 2020.

From:

The Registrar General,
High Court of Delhi,
New Delhi-110003.

To,

1. The Principal District & Sessions Judge (HQ), Tis Hazari Courts Complex, Delhi.
2. The Principal District & Sessions Judge (South), Saket Courts Complex, New Delhi.
3. The Principal District & Sessions Judge (East), Karkardooma Courts Complex, Delhi.
4. The Principal District & Sessions Judge (South –West), Dwarka Courts Complex, New Delhi.
5. The Principal District & Sessions Judge (Shahdara), Karkardooma Courts Complex, Delhi.
6. The Principal District & Sessions Judge (South-East), Saket Courts complex, Delhi.
7. The Principal District & Sessions Judge (West), Tis Hazari Courts Complex, Delhi.
8. The Principal District & Sessions Judge (New Delhi), Patiala House Courts Complex, New Delhi.
9. The Principal District & Sessions Judge (North-West), Rohini Courts Complex, Delhi.
10. The Principal District & Sessions Judge (North), Rohini Courts Complex, Delhi.
11. The Principal District & Sessions Judge (North-East), Karkardooma Courts Complex, Delhi.
12. The Principal Judge (HQ), Family Courts, South-West, Dwarka, New Delhi.
13. The Principal District & Sessions Judge- Cum- Special Judge (PC Act) (CBI) (Officiating) Rouse Avenue Courts Complex, New Delhi.

Sub: Order dated 22.07.2020 passed by Hon'ble Ms. Justice Prathiba M. Singh, in C.R.P 53/2020 & CM Appls. 15960-61/2020 titled "Dalbir Singh vs Satish Chand" - regarding.

Sir/Madam,

I am directed to forward herewith a copy of order dated 22.07.2020 passed by Hon'ble Ms. Justice Prathiba M. Singh, in C.R.P 53/2020 & CM Appls. 15960-61/2020 titled "Dalbir Singh vs Satish Chand" and to request you to circulate the same amongst all the judicial officers under your control for information and necessary compliance.

Yours faithfully,

(Dinesh Kumar Manchanda)
Joint Registrar (Gazette-IB)
for Registrar General

Encl: As above.

$~2

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

Date of decision:22nd July, 2020

\+ **C.R.P. 53/2020 & CM APPLs. 15960-61/2020**

DALBIR SINGH ..... Petitioner

Through: Mr. Harsh Kumar and Ms. Sikha Gogoi, Advocates.

versus

SATISH CHAND ..... Respondent

Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done by video conferencing.

2. The present petition has been filed by the Petitioner, who had filed a suit for mandatory and permanent injunction against his sons in respect of property bearing No. P-24, Pandav Nagar, Mayur Vihar Phase-I, Delhi-110091. In the said suit, the Plaintiff/Petitioner had moved an application under Order XII Rule 6 CPC, which was heard on 18th February, 2020 and thereafter reserved for orders. The grievance of the Petitioner in this petition is that despite the matter being reserved for orders, no orders were pronounced in the Order XII Rule 6 application. Accordingly, the present petition seeks directions to be given for early disposal of the said application.

3. Mr. Harsh Kumar, ld. counsel for the Petitioner submits that the grievance of the Petitioner is that the order was not pronounced for a long time. On 8th July, 2020, due to the COVID-19 lockdown, the matter was

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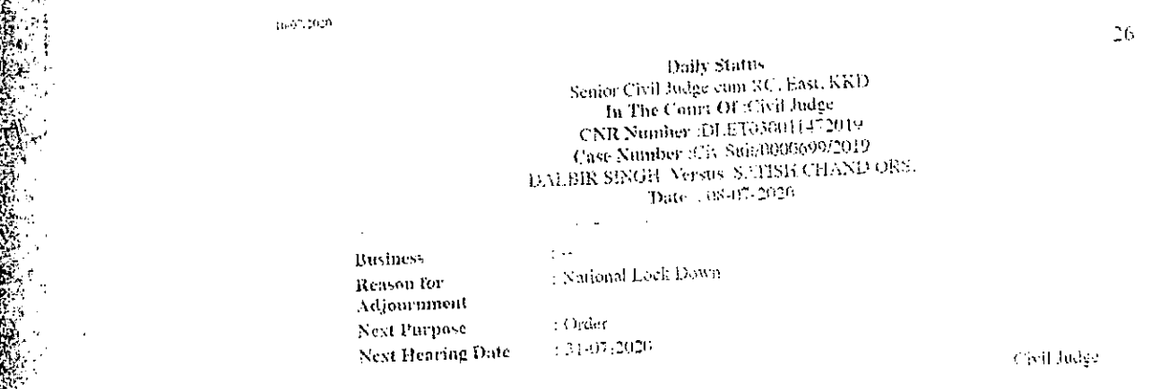
simply adjourned for orders to 31st July, 2020. Ld. Counsel submits that this Court in ***Deepti Khera v. Siddharth Khera [CM (M) 1637/2019, decided on 18th November, 2019],*** clearly holds that pronouncement of orders and judgements cannot be delayed. In a recent order passed by a ld. Single Judge of this Court in ***Puneet Kumar v. Registrar General [W.P.(C) No. 2999/2020, decided on 27th April, 2020]***, it has been clarified that the various orders relating to the lockdown would not prohibit the Trial Court from pronouncing the final order/judgment in the petitions pending before it.

4. This Court is of the opinion that the national lockdown, which may result in adjournments being granted in matters should not, in any manner, affect the pronouncement of orders and judgements, which are reserved by Judicial Officers in Trial Courts. This is because once the matter is heard and orders are reserved, no further hearing would be required, only pronouncement of order/ judgment needs to take place. Lockdown should, therefore, not act as an impediment in the pronouncement of orders. In the present case it is seen that the matter has been simply adjourned for 'ORDER'. The screen shot is extracted below:



10-07-2020 26

Daily Status
Senior Civil Judge cum RC, East, KKD
In The Court Of :Civil Judge
CNR Number :DLET030011472019
Case Number :Civ. Suit/0006699/2019
DALBIR SINGH Versus SATISH CHAND ORS.
Date : 08-07-2020

Business :
Reason for Adjournment : National Lock Down
Next Purpose : Order
Next Hearing Date : 31-07-2020

Civil Judge

(109)

5. As per the settled law, orders which are reserved have to be pronounced within two months. If the same are not pronounced for three months, the litigant is entitled to approach the High Court. The same is clear from a reading of the Supreme Court's judgment in ***Anil Rai v. State of Bihar, (2001) 7 SCC 318***. This judgement was considered in ***Deepti Khera (supra)*** wherein it has been clearly held as under:

> *"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)***

(109)

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."

6. In ***Puneet Kumar (supra)*** recently a ld. Single Judge has clarified as under:

> *"This petition has been filed seeking modification of the office order dated 15.04.2020 issued by the Registrar General, Delhi High Court, directing the suspension of functioning of Courts subordinate to the High Court till 03.05.2020 and further directing that the matters listed between 16.04.2020 and 02.05.2020 be adjourned en bloc.*
>
> *It is the case of the petitioner that the Divorce Petition filed by the petitioner, being HMA No. 687/2015 (re-numbered as HMA No. 48736/2016), has been pending adjudication since 2015. Judgment therein was reserved on 18.01.2020. The petition was thereafter posted for judgment on various dates and was last listed on 04.04.2020. Due to the office order mentioned hereinabove, the judgment in the petition has still not been pronounced and the matter was adjourned. The petitioner by way of the present petition prays that the office order mentioned hereinabove be amended so as to enable the learned Trial Court to pass the judgment/final order in the above petition.*
>
> *Keeping in view the limited nature of the prayer made in the present petition, I do not deem it necessary to issue a formal notice to the respondents to seek their response to the petition. Respondent No. 2 has not entered appearance inspite of notice of this hearing.*
>
> *The present petition is disposed of clarifying that the office order dated 15.04.2020 of the respondent no. 1 would not prohibit the learned Trial Court from pronouncing its final judgment/order in the petition pending before it. ..."*

7. Mr. Kumar submits that the Trial Court has, after filing of this petition, pronounced the order in the Order XII Rule 6 CPC application on 20th July, 2020 and allowed the same. Though the present revision petition

has become infructuous as the order has now been pronounced, it is reiterated that the lockdown ought not to affect pronouncement of judgments/ orders where arguments have been heard and the same is reserved. Repeated adjournments 'FOR ORDERS' or for 'Pronouncement of judgment' would not be permissible even during the lockdown.

8. Copy of this order be circulated to all District Judges to be communicated to all Judicial Officers in the Trial Court so that reserved orders/judgments that are pending can be pronounced and are not simply adjourned 'FOR ORDERS' as has happened in the present case.

9. Copy of this order be also sent to the Registrar General DHC, for appropriate action. With these observations, the revision petition is disposed of. All pending applications are also disposed of.

-Sd-

PRATHIBA M. SINGH
JUDGE

JULY 22, 2020/*dk/T*

SEAL OF DELHI HIGH COURT

TRUE COPY

(4)
General Roll-I (N-W)

Gmail

DJ SECRETARIAT NORTH-WEST <djofficenorthwest@gmail.com>

Order dated 22.07.2020 passed by Hon'ble Ms. Justice Prathiba M. Singh, in C.R.P 53/2020 & CM Appls. 15960-61/2020 titled "Dalbir Singh vs Satish Chand " - regarding

Assistant Registrar (Gaz.) <argazette.dhc@nic.in> 19 November 2020 at 11:05
To: girishkathpalia <girishkathpalia@hotmail.com>, [illegible] District & Sessions Judge" <poonambamba@aij.gov.in>, poonam bamba <poonam_bamba@hotmail.com>, deepakjagotra <deepakjagotra@yahoo.com>, narottam kaushal <narottam.kaushal@gmail.com>, yashwantasj <yashwantasj@gmail.com>, "Yashwant Kumar, Presiding Officer" <yashwantkumar.djs@aij.gov.in>, neenabansalkrishna <neenabansalkrishna@yahoo.com>, dharm sr1963 <dharm_sr1963@yahoo.com>, 21dineshkumarsharma <21dineshkumarsharma@gmail.com>, djofficenorthwest <djofficenorthwest@gmail.com>, SWARANA KANTA SHARMA <swaranakanta.sharma@aij.gov.in>, Sudhir Kumar Jain <sudhirkjain@aij.gov.in>, sanjaygargmv <sanjaygargmv@gmail.com>, delhifamilycourts <delhifamilycourts@gmail.com>, judicialrouseavenue <judicialrouseavenue@gmail.com>

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letter dated 19.11.2020 along with order .pdf
4226K

Marked to Ld. OIC Genl. Br. I for circulation amongst Ld. JOs (NW).

Principal [illegible]
Rohini Courts, Delhi
20/11/2020