

Office of Principal District Judge, Lohardaga

Office Order No. 09 Dated 09.01.2024

In view of Judgement dated 20.10 2023 of the Hon'ble Supreme Court of India in Civil Appeal No 4296 of 2023 as well as Memo No 5371-C Dated 06.01.2024 of Hon'ble High Court of Jharkhand, Ranchi, all the concerned Courts of Lohardaga Judgeship are hereby impressed upon to follow the directions as mentioned at Page No 48 to 50 of the Judgement passed in Civil Appeal No 4296 of 2023 by Hon'ble Apex Court (Supreme Court of India)

Inform all concerned.

Sd/-

Principal District Judge
Lohardaga


Encl.

Memo No 5371-C
Dated 06.01.2024

Memo No 17-18 Dated 9.1.24.

Copy forwarded to:

- (1) All the Courts of Lohardaga Judgeship
- (2) Let the order be uploaded in Official Website


Judge-In -Charge,
Lohardaga



(J. H. C. Sch. 1-7)

Email & Speed Post

Sanjay Kumar Singh No. II
Joint Registrar (Judl.),
High Court of Jharkhand

Phone Number:
Office: 0651-2481449
FAX No. 0651-2481116
Ranchi-834033

Memo No.: 5371-C
Dated: 06-01-24

To,
All the Principal District & Sessions Judge of the State,
Including Judicial Commissioner,
Ranchi.

Sub: Regarding compliance of Judgement dated 20.10.2023 passed by the Hon'ble
Supreme Court of India in Civil Appeal No. 4296 of 2023.

Sir/ Madam,

With reference to the subject noted above, I am directed to transmit herewith
a copy of Judgment dated 20.10.2023 of the Hon'ble Supreme Court of India passed
in Civil Appeal No. 4296 of 2023 for your goodself kind information and necessary
compliance.

Encl: as above

Yours faithfully,

~~06-01-24~~

Jt. Registrar (Judl.)
High Court of Jharkhand,
Ranchi.

Seen
Office to issue
order accordingly
Principal District & Sessions Judge
+ Ranchi
06/01/24

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REPORTABLE

Certified to be true copy

IN THE SUPREME COURT OF INDIA

Assistant Registrar (Judicial)

CIVIL APPELLATE JURISDICTION

Supreme Court of India

CIVIL APPEAL NO.4296 OF 2023

Yashpal Jain

...APPELLANT(S)

VERSUS

Sushila Devi & Others

...RESPONDENT(S)

JUDGMENT

Aravind Kumar, J.

PREFACE

1. Even after 41 years, the parties to this *lis* are still groping in the dark and litigating as to who should be brought on record as legal representative of the sole plaintiff Mrs. Urmila Devi (hereinafter referred to as 'Urmila Devi' for the sake of brevity). This is a classic

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case and a mirror to the fact that litigant public may become disillusioned with judicial processes due to inordinate delay in the legal proceedings, not reaching its logical end, and moving at a snail's pace due to dilatory tactics adopted by one or the other party. The said suit, OS No.2 of 1982, was instituted for the relief to declare the sale deed, executed by Shri Mangal Singh (hereinafter referred to as 'first defendant' for the sake of convenience) in favour of defendants No.4 to 32 in respect of the suit properties described in the plaints schedule as item No.1 to 8, to be null and void by claiming to be the owner of the said properties; and for a decree of possession of the suit properties with costs.

BACKGROUND OF THE CASE:

2. When the aforesaid suit was still at infancy stage the sole-plaintiff expired on 18.05.2007. One Mr. Manoj Kumar Jain filed an application to substitute him as her legal heir, by placing reliance on the Will dated 19.05.1999 and claiming to be a legatee under the said registered Will. He also filed an affidavit stating thereunder that Mr. Yashpal Jain (hereinafter referred to as 'appellant' for the sake of convenience) was a witness to the said registered Will. The defendants

underpin our legal system. Sadly, the concept of justice delayed is justice denied is not a mere truism, but an irrefutable truth.

Thus, we stand at a crossroads, not of our choosing but of our duty where the urgency of legal reforms in our judiciary cannot be overstated, for the pendulum of justice must swing unimpeded. The edifice of our democracy depends on a judiciary that dispenses justice not as an afterthought but as a paramount mission. We must adapt, we must reform, and we must ensure that justice is not a mirage but a tangible reality for all.

38. Therefore, in this pursuit, we call upon all stakeholders—the legal fraternity, the legislature, the executive, and the citizens themselves—to join hands in a concerted effort to untangle the web of delay and pendency. We must streamline procedures, bolster infrastructure, invest in technology, and empower our judiciary to meet the demands of our time.

39. The time for procrastination is long past, for justice cannot be a casualty of bureaucratic inefficiency. We must act now, for the hour is late, and the call for justice is unwavering. Let us, as guardians of the law, restore the faith of our citizens in the promise of a just and

equitable society. Let us embark on a journey of legal reform with urgency, for the legacy we leave will shape the destiny of a nation. In the halls of justice, let not the echoes of delay and pendency drown out the clarion call of reform. The time is now, and justice waits for no one. Hence, the following requests to Hon'ble the Chief Justices of the High Courts are made and directions are issued to the trial courts to ensure 'speedy justice' is delivered.

RE: POINT NO.3

For the reasons aforestated, we proceed to pass the following

ORDER

1. Civil Appeal is allowed and the order dated 28.11.2019 passed in Writ Petition (M/S) No.144 of 2013 by High Court of Uttarakhand at Nainital is set aside and the order dated 09.05.2012 passed by the Trial Court as affirmed in Civil Revision No.4 of 2012 dated 13.12.2012 stands affirmed.

2. The following directions are issued:

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- i. All courts at district and taluka levels shall ensure proper execution of the summons and in a time bound manner as prescribed under Order V Rule (2) of CPC and

same shall be monitored by Principal District Judges and after collating the statistics they shall forward the same to be placed before the committee constituted by the High Court for its consideration and monitoring.

ii. All courts at District and Taluka level shall ensure that written statement is filed within the prescribed limit namely as prescribed under Order VIII Rule 1 and preferably within 30 days and to assign reasons in writing as to why the time limit is being extended beyond 30 days as indicated under proviso to sub-Rule (1) of Order VIII of CPC.

iii. All courts at Districts and Talukas shall ensure after the pleadings are complete, the parties should be called upon to appear on the day fixed as indicated in Order X and record the admissions and demals and the court shall direct the parties to the suit to opt for either mode of the settlement outside the court as specified in sub-Section (1) of Section 89 and at the option of the parties shall fix the date of appearance before such forum or authority and in the event of the parties opting to any one of the modes of settlement directions be issued to appear on the date, time and venue fixed and the parties shall so appear before such authority/forum without any further notice at such designated place and time and it shall also be made clear in the reference order that trial is fixed beyond the period of two months making it clear that in the event of ADR not being fruitful, the trial would commence on the next day so fixed and would proceed on day-to-day basis.

iv. In the event of the party's failure to opt for ADR namely resolution of dispute as prescribed under Section 89(1) the court should frame the issues for its determination within one week preferably, in the open court.

v. Fixing of the date of trial shall be in consultation with the learned advocates appearing for the parties to enable them to adjust their calendar. Once the date of trial is fixed, the trial should proceed accordingly to the extent possible, on day-to-day basis.

vi. Learned trial judges of District and Taluka Courts shall as far as possible maintain the diary for ensuring that only such number of cases as can be handled on any given day for trial and complete the recording of evidence so as to avoid overcrowding of the cases and as a sequence of it would

result in adjournment being sought and thereby preventing any inconvenience being caused to the stakeholders.

vii. The counsels representing the parties may be enlightened of the provisions of Order XI and Order XII so as to narrow down the scope of dispute and it would be also the onerous responsibility of the Bar Associations and Bar Councils to have periodical refresher courses and preferably by virtual mode.

viii. The trial courts shall scrupulously, meticulously and without fail comply with the provisions of Rule 1 of Order XVII and once the trial has commenced it shall be proceeded from day to day as contemplated under the proviso to Rule (2).

ix. The courts shall give meaningful effect to the provisions for payment of cost for ensuring that no adjournment is sought for procrastination of the litigation and the opposite party is suitably compensated in the event of such adjournment is being granted.

x. At conclusion of trial the oral arguments shall be heard immediately and continuously and judgment be pronounced within the period stipulated under Order XX of CPC.

xi. The statistics relating to the cases pending in each court beyond 5 years shall be forwarded by every presiding officer to the Principal District Judge once in a month who (Principal District Judge/District Judge) shall collate the same and forward it to the review committee constituted by the respective High Courts for enabling it to take further steps.

xii. The Committee so constituted by the Hon'ble Chief Justice of the respective States shall meet at least once in two months and direct such corrective measures to be taken by concerned court as deemed fit and shall also monitor the old cases (preferably which are pending for more than 05 years) constantly.

It is also made clear that further directions for implementation of the above directions would be issued from time to time, if necessary.

and as may be directed by this Court.

3. The Secretary General is directed to circulate the copy of this judgment to the Registrar General of all the High Courts for being placed before the respective Chief Justices for ~~being~~^{the} consideration and suitable steps being taken as opined herein above.

4. We make no order as to costs.

Sd
.....J.
(S. Ravindra Bhat)

Sd
.....J.
(Aravind Kumar)

New Delhi,
October 20, 2023