



5. State of Rajasthan, through Tehsildar, Rajgarh, Tehsil Rajgarh, District Alwar (Raj.)- Land Holder

-----Respondents

For Petitioner(s) : Mr.Ajay Gupta and Ms.Sampati
Sharma, Advocates.

For Respondent(s) :

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND

11/12/2023

ORDER

REPORTABLE

1. **“Man lives in the short run, but litigation lives in long run.”¹**

2. The instant case is a glaring example of misuse of the process of law where adjournments are consistently sought by both the sides since last more than forty years for recording their evidence and still the suit filed by the plaintiffs/petitioners (hereinafter referred to as “the petitioners”) in the year 1981 is at the stage of recording the evidence of the defendants. The present case is a typical illustration of miscarriage of justice where the suit filed in the year 1981 has rolled as far about half a century i.e. 43 years.

3. A suit for declaration and permanent injunction was submitted by the petitioners against the defendants (respondents) before the Court of Sub-Divisional Officer, Rajgarh, District Alwar (for short “the SDO”) on 06.07.1981.

¹ Justice Krishna Iyer



4. An application was submitted by the petitioners for appointment of 'Receiver' and the same was allowed by the SDO vide order dated 02.12.1981 and the Tehsildar, Rajgarh (Alwar) was appointed as 'Receiver' with the direction to take possession of the land in question and auction the same for the purpose of cultivation.

5. Against the order dated 02.12.1981, the defendants submitted an appeal before the Court of Revenue Appellate Authority, Alwar (for short "the RAA") and the same was allowed on 05.11.1985 and the order of appointment of Receiver was quashed. The aforesaid order was further upheld by the Board of Revenue, Ajmer (for short "the Board") vide order dated 23.10.1986.

6. All the above orders were challenged by the petitioners before this Court by way of filing S.B.Civil Writ Petition No.5814/1999 and the same was disposed of by this Court vide order dated 13.09.2002 and with the consent of both the parties, a direction was issued to the SDO to decide the suit within a period of five months.

7. Thereafter, the petitioners closed their evidence on 27.05.2003 and the case was posted for recording evidence of the defendants and till date the stage of the suit is for recording the evidence of the defendants inspite of passing of more than 20 years.



8. In the meantime, the suit was transferred to the Court of SDO, Reni, District Alwar on 13.08.2019 and the same is still sub-judice for want of recording the evidence of the defendants. It is worthy to note here that the order/directions issued by this Court on 13.09.2002 for disposal of the suit within five months have not been complied with by the SDO even after passing of more than 20 years i.e. more than two decades.

9. At this stage, the petitioners have approached this Court, by knocking the doors of this Court, again by way of filing the present writ petition, seeking direction against the SDO, Reni, District Alwar to decide the suit expeditiously as early as possible, within a stipulated time of six months.

10. Pendency of the instant suit since last more than 43 years i.e. since 06.07.1981 and repeated adjournments for one reason or the other, amounts to miscarriage of justice and is against the concept of speedy disposal of the cases. The instant case is a glaring case where the petitioners took a time of two decades to complete their evidence and closed the same on 27.05.2003 and thereafter, the defendants are regularly seeking time to produce their evidence since last more than twenty years. Both the plaintiffs/petitioners and the defendants/respondents are responsible for the delay caused in disposal of the suit. No litigant has a right to abuse the procedure provided in the Code of Civil Procedure (for short "the CPC"). Concept of seeking countless



adjournments has grown up like a cancer corroding the entire body of the judicial system.

11. A party to the suit is not at liberty to proceed with the trial at its leisure & pleasure and has no right to determine when the evidence would be lead in and when the matter should be heard.

The parties to the suit – either the plaintiff or the defendant are expected to cooperate with the court proceedings in ensuring the effective and speedy disposal of the matter.

12. Granting repeated adjournments in a routine manner affects the judicial delivery system and such practice of the courts have been condemned by the Hon'ble Apex Court on several occasions.

In the case of **M/s.Shiv Cotex Vs. Tirgun Auto Plast (P) Ltd. & Ors.** reported in **(2011) 9 SCC 678**, the Hon'ble Supreme Court has held in paragraph 15 as under:-

“15. It is sad, but true, that the litigants seek—and the courts grant—adjournments at the drop of the hat. In the cases where the judges are little proactive and refuse to accede to the requests of unnecessary adjournments, the litigants deploy all sorts of methods in protracting the litigation. It is not surprising that civil disputes drag on and on. The misplaced sympathy and indulgence by the appellate and revisional courts compound the malady further. The case in hand is a case of such misplaced sympathy. It is high time that courts become sensitive to delays in justice delivery system and realize that adjournments do dent the efficacy of judicial process and if this menace is not controlled adequately, the litigant public may lose faith in the system sooner than later. The courts, particularly trial courts, must ensure that on every date of hearing, effective progress takes place in the suit.”



13. Similarly, in the case of **Noor Mohammed Vs. Jethanand** reported in **(2013) 5 SCC 202**, the Hon'ble Supreme Court has held in paragraphs 1, 12, 13, 27 and 28 as under:-

"1. In a democratic body polity which is governed by a written Constitution and where Rule of Law is paramount, judiciary is regarded as sentinel on the qui vive not only to protect the Fundamental Rights of the citizens but also to see that the democratic values as enshrined in the Constitution are respected and the faith and hope of the people in the constitutional system are not atrophied. Sacrosanctity of rule of law neither recognizes a master and a slave nor does it conceive of a ruler and a subject but, in quintessentiality, encapsules and sings in glory of the values of liberty, equality and justice In accordance with law requiring the present generation to have the responsibility to sustain them with all fairness for the posterity ostracising all affectations. To maintain the sacredness of democracy, sacrifice in continuum by every member of the collective is a categorical imperative. The fundamental conception of democracy can only be preserved as a colossal and priceless treasure where virtue and values of justice rule supreme and intellectual anaemia is kept at bay by constant patience, consistent perseverance, and argus-eyed vigilance. The foundation of justice, apart from other things, rests on the speedy delineation of the lis pending in courts. It would not be an exaggeration to state that it is the primary morality of justice and ethical fulcrum of the judiciary. Its profundity lies in not allowing anything to cripple the same or to do any act which would freeze it or make it suffer from impotency. Delayed delineation of a controversy in a court of law creates a dent in the normative dispensation of justice and in the ultimate eventuate, the Bench and the Bar gradually lose their reverence, for the sense of divinity and nobility really flows from institutional serviceability. Therefore, historically, emphasis has been laid on individual institutionalism and collective institutionalism of an adjudicator while administering justice. It can be stated without any fear of contradiction that the collective collegiality can never be regarded as an alien concept to speedy dispensation of justice. That is the hallmark of duty, and that is the real measure.

2. to 11. XX XX XX





12. The proceedings in the second appeal before the High Court, if we allow ourselves to say so, epitomizes the corrosive effect that adjournments can have on a litigation and how a lis can get entangled in the tentacles of an octopus. The philosophy of justice, the role of a lawyer and the court, the obligation of a litigant and all legislative commands, the nobility of the Bench and the Bar, the ability and efficiency of all concerned and ultimately the divinity of law are likely to make way for apathy and indifference when delay of the present nature takes place, for procrastination on the part of anyone destroys the values of life and creates a catastrophic turbulence in the sanctity of law. The virtues of adjudication cannot be allowed to be paralyzed by adjournments and non-demonstration of due diligence to deal with the matter. One cannot be oblivious to the feeling necessities of the time. No one can afford to sit in an ivory tower. Neither a Judge nor a lawyer can ignore "the total push and pressure of the cosmos". It is devastating to expect infinite patience. Change of attitude is the warrant and command of the day. We may recall with profit what Justice Cardozo had said:

"It is true, I think, today in every department of law that the social value of a rule has become a test of growing power and importance".

13. It has to be kept in mind that the time of leisure has to be given a decent burial. The sooner it takes place, the better it is. It is the obligation of the present generation to march with the time and remind oneself every moment that rule of law is the centripetal concern and delay in delineation and disposal of cases injects an artificial virus and becomes a vitiating element. The unfortunate characteristics of endemic delays have to be avoided at any cost. One has to bear in mind that this is the day, this is the hour and this is the moment, when all soldiers of law fight from the path. One has to remind oneself of the great saying, "Awake, Arise, 'O' Partha".

14. to 26. XX XX XX

27. The anguish expressed in the past and the role ascribed to the Judges, lawyers and the litigants is a matter of perpetual concern and the same has to be reflected upon every moment. An attitude of indifference can neither be appreciated nor tolerated. Therefore, the serviceability of the institution gains significance. That is the command of the Majesty of Law and none should make any maladroit effort to create a concavity in the same. Procrastination,





whether at the individual or institutional level, is a systemic disorder. Its corrosive effect and impact is like a disorderly state of the physical frame of a man suffering from an incurable and fast progressive malignancy. Delay either by the functionaries of the court or the members of the Bar significantly exhibits indolence and one can aphoristically say, borrowing a line from Southwell "Creeping snails have the weakest force". Slightly more than five decades back, talking about the responsibility of the lawyers, Nizer Louis[16] had put thus: -

"I consider it a lawyer's task to bring calm and confidence to the distressed client. Almost everyone who comes to a law office is emotionally affected by a problem. It is only a matter of degree and of the client's inner resources to withstand the pressure."

A few lines from illustrious Frankfurter is fruitful to recapitulate:

"I think a person who throughout his life is nothing but a practicing lawyer fulfils a very great and essential function in the life of society. Think of the responsibilities on the one hand and the satisfaction on the other, to be a lawyer in the true sense."

28. In a democratic set up, intrinsic and embedded faith in the adjudicatory system is of seminal and pivotal concern. Delay gradually declines the citizenry faith in the system. It is the faith and faith alone that keeps the system alive. It provides oxygen constantly. Fragmentation of faith has the effect-potentiality to bring in a state of cataclysm where justice may become a casualty. A litigant expects a reasoned verdict from a temperate Judge but does not intend to and, rightly so, to guillotine much of time at the altar of reasons. Timely delivery of justice keeps the faith ingrained and establishes the sustained stability. Access to speedy justice is regarded as a human right which is deeply rooted in the foundational concept of democracy and such a right is not only the creation of law but also a natural right. This right can be fully ripened by the requisite commitment of all concerned with the system. It cannot be regarded as a facet of Utopianism because such a thought is likely to make the right a mirage losing the centrality of purpose. Therefore, whoever has a role to play in the justice dispensation system cannot be allowed to remotely conceive of a casual approach."





14. Even in the case of **Ishwarlal Mali Rathod Vs. Gopal & Ors.** reported in **(2021) 12 SCC 612**, the Hon'ble Supreme Court in paragraph 9 has held as under:-

"9. Today the judiciary and the justice delivery system is facing acute problem of delay which ultimately affects the right of the litigant to access to justice and the speedy trial. Arrears are mounting because of such delay and dilatory tactics and asking repeated adjournments by the advocates and mechanically and in routine manner granted by the courts. It cannot be disputed that due to delay in access to justice and not getting the timely justice it may shaken the trust and confidence of the litigants in the justice delivery system. Many a times, the task of adjournments is used to kill Justice. Repeated adjournments break the back of the litigants. The courts are enjoying upon to perform their duties with the object of strengthening the confidence of common man in the institution entrusted with the administration of the justice. Any effort which weakens the system and shake the faith of the common man in the justice dispensation has to be discouraged. Therefore the courts shall not grant the adjournments in routine manner and mechanically and shall not be a party to cause for delay in dispensing the justice. The courts have to be diligence and take timely action in order to usher in efficient justice dispensation system and maintain faith in rule of law."

15. The sole reason of huge pendency of cases in the Courts is that Courts' time is wasted in unnecessary adjournments. It is the mandate of amended CPC that after commencement of trial of the Civil Suit, the evidence of both parties must be completed expeditiously and the procedural delays must not be allowed to stop the evidence. The reason of delay in disposal of the cases is that a lot of time of the Courts is wasted in futile adjournments. A civil case which should normally be over within a reasonable time,





is dragged to a number of years, sometimes for decades. Courts' time is wasted when no fruitful work is done on the dates fixed for a particular purpose i.e. recording of evidence or arguments, etc. The disposal of these cases is deferred because adjournments are sought on one or the other grounds. These adjournments are sought because one of the parties is always interested in seeking adjournments and prolonging the case, as prolonging the case would itself result in substantial benefit to such party and it would frustrate the affords of the other party in getting the dispute adjudicated in time and in such circumstances, the famous saying proves that "Justice delayed, is justice denied".

16. Recently, the issue of delay in disposal of the cases was earnestly dealt with by the Hon'ble Apex Court in the case of **Yashpal Jain Vs. Sushila Devi & Ors.** reported in **2023 SCC OnLine SC 1377** wherein the historical outlook of the steps taken to curb the judicial delay was considered in paragraphs 22 to 32, which read as under:-

"A historical outlook of steps taken to curb the Judicial delay"

23. The issue of delay has been bothering all the stakeholders for ages. Way back in the year 1924, a committee was constituted known as the Civil Justice Committee to enquire into the issues relating to changes and improvements necessary to bring in "more speedy, economical and satisfactory dispatch of the business transacted in the courts" under the chairmanship of Justice Rankin. Delay in disposal of cases beyond a period of two and a half years was a crucial concern and it was emphasized by the said Committee that "where the arrears are unmanageable, improvement in the methods can only





palliate. It cannot cure". The Central Government under the chairmanship of Justice S.R. Das set up a committee known as High Court Arrears Committee in the year 1949. In 1979, the Law Commission of India in its 77th Report on '*delay and arrear in trial courts*' observed that the delay in civil or criminal matters have decreased the confidence among the general public about the judicial system. It was emphasized that civil cases should be treated as lapsed if the matter was not disposed of within one year from the date of registration, whereas a criminal matter should be disposed within six months and in case of sessions trial it should not go beyond one year. It was also suggested to timely fill up the vacancies, appoint additional and ad-hoc judges and increase overall judicial strength. Some of the key recommendations of the Committee were:

- "(i) Improvement of judicial system to meet modern requirement of society.
- (ii) Time for scrutiny of the cases should not take more than one week.
- (iii) Summons and notices should be attached with the plaint at the stage of filing, without stating the filing date.
- (iv) Procedural reforms in civil and criminal case proceedings."

24. The 79th reports of the Law Commission of India pertains to "*Delay and Arrears in High Courts and Appellate Court*" which when read along with the 77th report as aforementioned, has provided a step-by-step manual for managerial judging, prescribing upper time limits for trial procedure to ensure speedy disposal of cases to be followed by Trial Courts, High Courts, and other appellate courts. Its recommendations range from ways in which judges should expedite the service of summons to the drafting of the decree and includes the suggestions that they should become more active in conciliation efforts. Other notable recommendations include:

- "(i) Appointment of administrative justices who supervise the work of process servers;
- (ii) Fixing of dates should be done by presiding officer and not readers, cases should deliberately not be fixed when the prospects of them being taken up for low and a standard of number of cases pending before courts should be decided and whenever there are indications that the



number of cases will go beyond the standard, additional courts should be set up.”

25. The 120th Law Commission Report on '*Manpower planning in judiciary: a blueprint*' recommended that the most effective way to overcome the heavy pendency of cases clogging on the judicial system is by reducing judicial delay. It further states that the judiciary is overburdened by large number of cases filed each year, which clog an already stressed system. The report states that in 2002, when the ratio of the judges to population was 13 judges to 10,00,000 people, the Supreme Court recommended, in *All India Judges Association v. Union of India* (2002) 4 SCC 247, to increase the ratio to at least 50 judges per 10,00,000 people.

26. The *Malimath* Committee, constituted on Reforms of Criminal Justice System, suggested multiple recommendations in its report, for Criminal Justice System, however some of them can be applied even in the civil litigation:

1. Time limit for filing written statements, amendments of pleadings, service of summons etc., must be prescribed.
2. So far as possible, parties must endeavor to decide or to settle the cases outside the court and to carry out the same objective, Section 89 in CPC, was introduced.
3. To record the evidences by issuing the Commission instead of by presence before the court of law. For the purpose of the same under Section 75 of the CPC, commission can be issued for collecting evidence.
4. Time frame need to be provided for oral argument before the court of law.
5. Restriction on Right of appeal.

27. Similarly, the Delhi High Court undertook a pilot project titled "*Zero Pendency Court Project Report*" whereunder 22 specific pilot and reference courts were referred to collect data to examine meticulously the life cycles of the legal cases. At its core, the project sought to understand how the cases progressed through the legal system in the absence of any backlog. The Data collected from the pilot project led to suggestions of some major recommendations which included, primarily, the assessment of Judicial strength, which as per the report, is regarded as a vital attribute to the cause of delay. The report in this regard suggested to arrive at an optimal judge



strength to handle cases pending in different court and went on to provide the Ideal number of judges for different court. The report also highlighted that in criminal cases, prosecution evidence hearings accounts for the Highest percentage of court hearings however when it comes to allocation of time, the courts tend to dedicate more minutes to final arguments and the issuance of final orders. In civil cases, miscellaneous hearings are common, but final order proceedings receive more time nevertheless, judges allocate a greater amount of time to the final order or judgment hearings.

28. *Melvin M Belli*, a member of the California Bar, in his article titled "*The Law's Delays: Reforming Unnecessary Delay in Civil Litigation*", which was prepared as a project for the Belli society, has noted "*Trial delays or the period of the American Legal System*". The backlog of the system has become so typical that a plaintiff has to wait 5 years for trial of a simple personal injury claimed. In case, if there is an appeal, a final disposition of the case may occur 10 years after plaintiff has been injured and the following factors were outlined as the major contributors to the delay:

- (i) The inefficient management of the court system by the judiciary.
- (ii) A Tremendous increase in litigation.
- (iii) The philosophy of procrastination of many judges and lawyers, and
- (iv) The priority of criminal or civil cases on the court calendar.

29. To tackle the aforesaid problems, the following remedial measures were suggested as possible solutions:

- 1) Appointment of surrogate judges (auditors, referees, judges pro tempore) to handle certain cases. The idea of using surrogate judges is to avoid unnecessary adjudication under formal trials. This is followed in Massachusetts, where court appointed auditors or referees, who were practicing attorneys, used to adjudge motor vehicle tort cases. They report their findings of facts and conclusions to the court and the parties may accept the auditor's report as final or request a trial. If the case goes to trial, the auditor's findings are prima facie evidence and may be read to the jury.



- 2) The imposition of interest accruing retroactively from the time of incident, rather than from time of judgment, to remove defendant's incentives to delay.
- 3) The elevation of civil cases to parity with criminal cases so that civil cases will not be usurped.
- 4) A requirement that judges set definite trial dates and honor them, so that litigation cannot be delayed by one of the attorneys.

DELAY ON ACCOUNT OF PROCEDURAL LAWS

30. At the outset, it is necessary to point out the reasons for delay in civil trial namely:

- (i) Absence of strict compliance with the provisions of CPC;
- (ii) Misuse of processes of the court;
- (iii) Lengthy/prolix evidence and arguments. Non-utilization of provisions of the CPC namely Order X (examination of parties at the first hearing);
- (v) Non-Awarding of realistic cost for frivolous and vexatious litigation;
- (vi) Lack of adequate training and appropriate orientation course to judicial officers and lawyers;
- (vii) Lack of prioritization of cases;
- (viii) Lack of accountability and transparency.

31. Apart from the above reasons, the other vital reasons include the over-tolerant nature of the courts below while extending their olive branch to grant adjournment at the drop of the hat and thereby bringing the entire judicial process to a grinding halt. It is crucial to understand that the wheels of justice must not merely turn, they must turn without friction, without bringing it to a grinding halt due to unwarranted delay. It is for such reasons that the system itself is being ridiculed not only by the litigant public but also by the general public, thereby showing signs of constant fear of delay in the minds of public which might occur during the resolution of dispute, dissuading them from knocking at the doors of justice. All the stakeholders of the system have to be alive to this alarming situation and should thwart any attempt to pollute the stream of judicial process and same requires to be dealt with iron hands and curbed by nipping them at the bud, as otherwise the





confidence of the public in the system would slowly be eroded. Be it the litigant public or Member of the Bar or anyone connected in the process of dispensation of justice, should not be allowed to dilute the judicial processes by delaying the said process by in any manner whatsoever. As held by this Court in *T. Arivandandam v. T.V. Satyapal* AIR (1977) 4 SCC 467 the answer to an irresponsible suit or litigation would be a vigilant judge. This analogy requires to be stretched in the instant case and to all the pending matters by necessarily holding that every stakeholder in the process of dispensation of justice is required to act swiftly, diligently, without giving scope for any delay in dispensation of justice. Thus, an onerous responsibility rests on the shoulders of the presiding officer of every court, who should be cautious and vigilant against such indolent acts and persons who attempt to thwart quick dispensation of justice. A response is expected from all parties involved, with a special emphasis on the presiding officer. The presiding officer must exercise due diligence to ensure that proceedings are conducted efficiently and without unnecessary delays. While it's important to maintain a friendly and cooperative atmosphere with the members of the Bar, this should not be misused as a pretext for frequent adjournment requests. A word of caution to the learned members of the Bar, at this juncture, would also be necessary because of they being considered as another wheel of the chariot of dispensation of justice. They should be circumspect in seeking adjournments, that too in old matters or matters which have been pending for decades and desist from making request or prayer for grant of adjournments for any reason whatsoever and should not take the goodness of the presiding officer as his/her weakness.

32. In-fact, the utilization of the provision of CPC to the hilt would reduce the delays. It is on account of non-application of many provisions of the CPC by the presiding officers of the courts is one of the reason or cause for delay in the proceedings or disputes not reaching to its logical conclusion."

17. Looking to the huge pendency of the cases nationwide, it was observed by the Hon'ble Supreme Court in paragraphs 39 to 44 as under:-





"39. It is important to acknowledge that while striving for the oft-cited goal of expeditious justice, courts, litigants, staff, and lawyers may encounter some level of inconvenience. However, this inconvenience should take a backseat in light of the Fundamental Duties enshrined in the Constitution, specifically Article 51A(j) which obligates every citizen to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement. Article 51A is to be understood to be in a positive form with a view to strive towards excellence. The people should not conduct themselves so as to enable anyone to point fingers at them or blame them. "Excellence" means honest performance. It is the vision of the founder of constitution makers that citizens of this great country India that is Bharat, should discharge duties in an exemplary manner rather than perform half-heartedly. The duties envisaged under Article 51A are obligatory on citizens. No doubt the fundamental duties cannot be enforced by Writs and it is in this background it has to be understood that the duties which are required to be performed by the citizens in general and particularly by the stakeholders of judicial dispensation system should ensure that they do discharge the obligations prescribed under the law in an exemplified manner and not blame worthy.

40. In the hallowed halls of justice, where the rights and liberties of every citizen are protected, we find ourselves at a critical juncture. Our Judiciary, the cornerstone of our democratic system, stands as the beacon of hope for those who seek remedy. Yet, it is a solemn truth that we must confront with unwavering resolve—the spectre of delay and pendency has cast a long shadow upon the very dispensation of justice. In this sacred realm, where the scales of justice are meant to balance with precision, the backlog of cases and the interminable delays have reached a disconcerting crescendo. The relentless march of time, while it may heal wounds for some, it deepens the chasm of despair for litigants who await the enforcement of their rights. Hence, It is here, in the chambers of jurisprudence, that we must heed the clarion call of reform with unwavering urgency.

41. It is undisputedly accepted that the significance of a swift and efficient judiciary cannot be overstated. It is a cornerstone of democracy, a bulwark against tyranny, and the guarantor of individual liberties. The voices of the oppressed, the rights of the



marginalized, the claims of the aggrieved—all are rendered hollow when justice is deferred. Every pending case represents a soul in limbo, waiting for closure and vindication. Every delay is an affront to the very ideals that underpin our legal system. Sadly, the concept of justice delayed is justice denied is not a mere truism, but an irrefutable truth.

42. 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.

43. 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.

44. 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."

18. Looking to the alarming situation of huge pendency of cases and looking to seriousness of the issue of delay in disposal of the cases, the following directions were issued in paragraph 47 by the Hon'ble Supreme Court, which read as follows:-





47. The following directions are issued:

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 denials 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.....”

(Emphasis supplied.)

19. All the subordinate courts are supposed to follow the above directions issued by the Hon'ble Supreme Court in the case of **Yashpal Jain (supra)** in letter and spirit and stop the practice of casual approach of deferring the old cases for the one reason or the other.

20. Now, the time has come to change the old mindset of the litigants that cases are filed by the grandparents and the judgments are heard by their grandchildren. In such a situation, one of the parties remains beneficial and the other party feels loser without adjudication of the dispute on its merits. Time has come to change such situation and work culture and get out of the adjournment culture, so that the confidence and trust of the litigants in the justice delivery system is not shaken and the Rule of Law is maintained, as has been held by the Hon'ble Supreme Court in the case of **Ishwarlal Mali Rathod (supra)**.

21. Speedy trial is a fundamental right of persons, guaranteed under Article 21 of the Constitution of India but in this case, the very concept of "right of speedy trial" has been grossly violated. It is quite shocking and surprising that the suit filed in the year 1981 is still sub-judice before the Court of SDO, Reni, District Alwar at the stage of recording the evidence of defendants since 2003.



22. In the present matter, the suit is proceeding at a 'snail's pace'. Such a situation is a "sorry state of affairs" on the part of the parties to the suit and the trial court.

23. While taking the aforesaid situation seriously, the instant writ petition stands disposed of with direction to the SDO, Reni (Alwar) to decide the pending suit expeditiously as early as possible not beyond the period of six months from the date of receipt of certified copy of this order.

24. It goes without saying that the proceedings of the suit be expedited on day-to-day basis, without entertaining the unnecessary request of either side to defer the proceedings or hearing to a future date.

25. Before parting with the order, this Court observes that time and again several directions have been issued by the Hon'ble Supreme Court for speedy disposal of the cases by the Civil Courts and several Standard Operating Procedures (for short "SOPs") have been framed and guidelines have been issued to the Civil Courts by this Court to decide the 'oldest cases' on priority but it is high time to issue similar directions to the Revenue Courts of the State to speed up the disposal of oldest cases on priority.

26. In exercise of the extra-ordinary jurisdiction of this Court, contained under Articles 226 and 227 of the Constitution of India, a general mandamus is issued to all the subordinate Revenue



Courts to strictly adhere to the direction Nos.(i) to (x) issued by the Hon'ble Supreme Court in the case of **Yashpal Jain (supra)** and comply with the same in its letter and spirit to expedite the trial of the revenue suits pending before all the subordinate Revenue Courts.

27. Time and again this Court has noticed in several cases that numerous revenue suits are pending before the Revenue Courts and several first, second appeals and revision petitions are also pending before the Revenue Appellate Authorities, Board of Revenue and Divisional Commissioners from decades and the same are pending for last several years. Hence, it is high time and right time to issue certain additional directions to all the Revenue Courts and Appellate Authorities to speed up the process of adjudicating the oldest cases on priority, without entertaining the unnecessary and unreasonable requests of adjournment of the "old matters".

28. Further, in addition to the above directions, following general directions are issued to all the subordinate Revenue Courts:-

- a) To take up all the oldest cases pending for last more than 5 to 10 years, under the category of "OLDEST CASES" and decide the same expeditiously;
- b) All the Revenue Officers are directed to instruct the concerned Staff to keep the old files in file covers having



separate colour i.e. RED file covers, to get such old cases identified easily.

- c) All the Revenue Officers are directed to write the order-sheets of these oldest files in their own handwriting and not by the Staff/Reader or Court Master.
- d) The statistics relating to the oldest cases, pending in each Revenue Court, shall be forwarded by every Presiding Officer to the District Collector concerned, once in the month, who shall forward it to the Arrears Committee, duly constituted by the State for enabling it to take further steps.
- e) The Chief Secretary of the State of Rajasthan is directed to constitute an Arrears Review Committee" at the level of Divisional Headquarters of the State headed by senior IAS Officers, who shall convene a meeting at least four times in a year, after a gap of three months and direct such corrective methods to be undertaken by the concerned Revenue Courts, as it deems fit and shall also monitor the oldest cases constantly.

29. The Chief Secretary of the State is further directed to circulate the copy of this order to the District Collectors and the Revenue Officers i.e. Collectors, Sub-Divisional Magistrates, etc., of all the Districts of the State to strictly follow the directions No. (i) to (x) issued by the Hon'ble Supreme Court in the case of



Yashpal Jain (supra) and the directions No.(a) to (d) issued by this Court. The Chief Secretary is further directed to submit the compliance report to this Court within six months and apprise this Court about the steps taken for speedy disposal of the 'oldest cases'.

30. Office/Registry is directed to send a copy of this order to the Chief Secretary, Government of Rajasthan for necessary action and compliance.

(ANOOP KUMAR DHAND),J

Solanki DS, PS