

Case :- MATTERS UNDER ARTICLE 227 No. - 7809 of 2021

Petitioner :- Smt. Kusum Chaturvedi And Another

Respondent :- Bhupendra Prasad

Counsel for Petitioner :- Suresh Chandra Pandey

Hon'ble J.J. Munir,J.

The Court is convened via video conferencing.

Heard Mr. Saurabh Pandey, Advocate holding brief of Mr. Suresh Chandra Pandey, learned Counsel for the petitioners.

Perused the report submitted by the learned Civil Judge (Senior Division), Mathura dated 06.01.2022, in compliance with the orders of this Court dated 03.01.2022. This Court is not at all satisfied with the progress of the suit and the way the learned Trial Judge has fixed dates in the matter and gone about the proceedings. The report as well as the order sheet show that long dates have been fixed and on at least three dates, the Presiding Officer was on leave, on account of which, the case had to be adjourned. This is not a happy state of affairs. The prevalence of the CoViD-19 has also been cited as one of the reasons for an adjournment on 27.05.2021. Now, there is again an upsurge of CoViD-19 infection, and that would logically impact the normal functioning of the Courts. This Court must say that while normal functioning of Courts is affected during the CoViD-19 pandemic upsurge, which, for the time being, to say the least, is a recurrent feature, it does not mean that the functioning of Courts as such is to come to a standstill. The Courts must function and discharge their duties by adopting and adapting ways and means necessary for the dispensation of justice. During a severe CoViD-19 upsurge, judicial function, like many other solemn functions of the State, may be discharged differently, but they cannot be forsaken or the

This Court must also say that valuable time in this case has been lost between the months of July to December, 2021, when there was remission of CoViD-19 infections, and life was almost normal. In that period of time, long dates were fixed and the learned Presiding Officer appears to be on leave on more than one of the dates fixed in the case.

In the circumstances, let the District Judge, Mathura submit a report, about the ways and means now being adopted in his Judgeship to hear civil matters during the current upsurge in CoViD-19 cases. The learned District Judge, Mathura shall also examine the feasibility of transferring this case to a more willing and enthusiastic judicial officer, who shall go ahead with the trial of this case, within the constraints of the CoViD-19 pandemic and the ways and means adopted by the Courts at Mathura to hear civil matters. Let the said report be submitted within a week.

Lay this matter as fresh again on **19.01.2022**, along with report of the learned District Judge, Mathura.

Let this order be communicated to the learned Civil Judge (Senior Division), Mathura through the learned District Judge, Mathura and to the learned District Judge, Mathura by the Registrar (Compliance), **within next 24 hours**.

Order Date :- 10.1.2022

I. Batabyal