

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.M.P. No.141 of 2021

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Smt. Mundrika Devi

... **Petitioner**

**-versus-**

Bajaj Allianz General Insurance  
Co. Limited & Others

... **Opposite Parties**

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**CORAM : HON'BLE MR. JUSTICE ANANDA SEN  
THROUGH VIDEO CONFERENCING**

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**For the Petitioner :** Mr. Sidhartha Roy, Advocate

**For the Opp. Parties:** None

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**2/ 22.07.2021** This case is not on Board today, but, is taken up on Board by this Court, on the request of the counsel for the petitioner.

**2.** As per the roster, Civil Miscellaneous Petitions (restoration matters) are to be listed before the same Bench, who would have heard the main application/appeal, which stood dismissed for default. The miscellaneous appeal being M.A. No.326 of 2016 was dismissed for default by a Coordinate Bench, which is not available now. The miscellaneous appeals of the year 2016 is assigned as per roster before this Bench, thus, this Bench is the appropriate Bench as per Note 2 to the roster (Constitution of Benches w.e.f. 07.06.2021), to hear this Civil Miscellaneous Petition also.

**3.** Counsel for the petitioner made a mention to list this Civil Miscellaneous Petition and submitted that though he has filed this Civil Miscellaneous Petition in April, 2021, yet till date, the Stamp Reporting of this Civil Miscellaneous Petition has not been done.

**4.** This submission made by the counsel for the petitioner at 10.30 a.m. to the effect that Stamp Reporting has not been done yet in this case, raised some doubt in the mind of this Court. This Court was not in a position to accept that the case, which was filed on 07.04.2021 has not yet been stamp reported till date. To verify the said submission, as there was doubt in the mind of this Court, this Court directed the Court Master to verify the same. The Court Master informed me that the case was filed on 07.04.2021, but, the case was registered on 13.05.2021, i.e. after 36 days. He also informed that the Stamp Reporting of this Civil Miscellaneous Petition is yet to be done. The aforesaid information supplied by the Court Master approves the submission of the counsel, who has mentioned this case at 10.30 a.m.

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5. Considering the aforesaid information supplied by my Court Master, I directed the Officers of the Registry and the concerned Section to appear through Video Conferencing and explain the cause of delay.

6. The Stamp Reporting Section submitted that a file has to reach to their Section from CMP Section, then only they can start the process of stamp reporting. They submitted that they have till date not received this file for stamp reporting, from CMP Section. So far as delay in registering is concerned, no appropriate explanation is given by the concerned Section.

7. The Assistant Registrar of CMP Section submits that there are only two persons, who look after the CMP cases. He submits that one of them got affected from Covid 19. He submits that the said officer was incharge of this particular file. It is submitted that only on 31.05.2021, he resumed his duty. As per him, by virtue of an administrative order of this High Court, the Sections are working with 50% of capacity, thus, the concerned Assistant, in view of the said administrative order, is working every alternate day. Assistant Registrar further submits that for stamp reporting of a Civil Miscellaneous Petition (i.e., restoration matter), connected file of Miscellaneous Appeal has to be called for, from the concerned Section before sending the file for Stamp Reporting. On specific query, it was submitted that the requisition for obtaining the connected file, in the present case, has been sent today. He also submitted that there is shortage of staffs in the Section.

8. The fact remains that till date this petition has not been stamp reported.

9. The aforesaid submission and the facts depicts the sorry state of affair about the functioning of the Judicial Sections of this High Court. Questions are bound to rise. The case, which was filed on 07.04.2021, gets registered after 36 days, i.e., on 13.05.2021 and till date the case is yet to be stamp reported. Even if the Office and the Sections are functioning with 50% of its strength, then also it should not take 36 days to register a case. This Court cannot conceive a situation, where in a High Court it will take 36 days to register a case. It is also not palatable that even after 70 days of registering a case, no stamp reporting will be done in that case, and the file will gather dust. It is also surprising that only today the requisition was sent for by the CMP Section to call for the connected record. Even if I consider the period from the date of joining of concerned officer, the delay is abnormal. The concerned officer has joined on 31.05.2021 and started working, but, as stated above,

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today only the requisition was sent calling for the connected records. Working with 50% strength may cause some delay, but, a delay of this magnitude is not acceptable. I am of the opinion that since at 10.30 I directed my Court Master to furnish me the status, the concerned Section woke up from the slumber and then only has sent the requisition to the concerned Section seeking for the record of the Miscellaneous Appeal, which stood dismissed for default. The aforesaid act, prima facie, suggests that how with lethargic approach the Section and the Registry has worked. The Judicial Sections and the Officers placed in the hierarchy must take some responsibility. There are Joint Registrars, Assistant Registrars to supervise the Sections. This action suggests absolute failure of supervisory role by the higher officers. Shortage of staff cannot be an excuse or issue. Even if it is an issue, it is for the Registry to address the same. Sections should be revamped with suitable persons placed at the correct places. Adequate and efficient Officers and staff should be brought in to deal with the Judicial Files, as a High Court is known and recognized by the work done in the judicial side. Officers and staff placed in the Judicial side needs utmost professionalism and efficiency, which I feel, is somewhat lacking. If the Registry feels that there is deterioration in efficiency, there are ways and means to improve the same. If some are beyond improvement and have become dead woods, there are provisions in the Jharkhand Service Code, which can very well be invoked against them. Lack of proper supervision is one of the reasons giving rise to this type of laches. The litigants cannot be made to suffer because of these avoidable situations.

**10.** This is one case, which has been brought to the notice of this Court, but, this Court is unaware as to whether there are other similar type of cases or not. It is high time that the Registry of this Court should address this issue, which are of importance. They should issue appropriate orders to the Sections to get a case registered immediately when the same is filed and get those cases stamp reported without any delay. If more support staffs are necessary, same should be provided for, in each Section on the Judicial Side.

**11.** The Registrar General will conduct an enquiry about the reasons of delay in registering this case and also as to why till date the case has not yet been stamp reported. He will also enquire about the average time, which is taken to register a case from the date of filing and the average time, which is taken from the date of filing till stamp reporting is done. He will also inform about the maximum and minimum time, which had been taken by the Sections

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for undertaking the aforesaid exercise in respect of each particular nature of case. It is expected that Stamp Reporting of each case filed should be completed immediately after the case is registered.

**12.** The report of the Registrar General should be placed before this Court within two weeks.

**13.** Office is directed to undertake stamp reporting of this case and conclude the same by 27<sup>th</sup> July, 2021 and will inform the counsel for the petitioner, the defects which are to be cured.

**14. List this case after two weeks.**

**15.** Let a copy of this order be handed over to the Registrar General of this Court.

**(Ananda Sen, J.)**