

Paramount Law Times

E-Newsletter

(For up-to-dating law and events)



2015

Happy New Year



Paramount Law Consultants Wish you all Happy and prosperous New Year. Let Truth be upheld and Justice to prevail.

PARAMOUNT LAW CONSULTANTS



WELCOME ANNOUNCEMENT

**State Judicial Services preparations
Guidance facility**

Finding necessity for guidance for all those preparing for State Judicial Services Competitions Examinations, Paramount Law Consultants Ltd. has decided to help with valuable guidance. Interested persons are welcome.

Legal Audit and Moral Audit Services

Paramount Law Consultants Ltd., Delhi has completed its research and is taking up legal audit and moral audit services for the Corporates.

Subhash Nagpal,
Chairman
Paramount Law Consultants Ltd., Delhi

OUR TWELFTH CHIEF JUSTICE



HON'BLE MR. JUSTICE J.C. SHAH

Former Chief Justice of India

17-12-1970 till 21-01-1971

PROFILE as on Supreme court website
(<http://supremecourtofindia.nic.in/judges/r/cji.htm>)

- o The Hon'ble Mr. Jayantilal Chhotalal Shah, LL.B., Judge, Supreme Court, since October 12, 1959; b.Jan.22,1906; Educ. R.C. High School, Ahmedabad; Gujrat College and Elphinstone College, Bombay, practised at Ahmedabad District Court and Bombay High Court, Advocate (O.S.), Chairman, Poisoning Inquiry Commission, appointed by the

Government of India to investigate the causes of food poisoning in Kerala State; Judge, Bombay High Court till October 1959; Appointed as Chief Justice of India on 17.12.1970. Retired on 21.01.1971.

**JUDGEMENTS DELIVERED BY HON'BLE
MR. JUSTICE J.C. SHAH**

| Sn. | Title, Coram and Date of Judgment |
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| 1 | Title -D. P. Mishra Vs. Kamal Narain Sharma & Ors.- Coram -Shah, J.C. (Cj),- Date of Judgement -18/12/1970 |
| 2 | Title -State Of Assam And Ors. Vs. Rameshwar Agarwala And Ors.- Coram -Shah, J.C. (Cj),- Date of Judgement -06/01/1971 |
| 3 | Title -Sardari Lal Vs. Union Of India & Ors.- Coram -Shah, J.C. (Cj), Mitter, G.K., Hegde, K.S., Grover, A.N., Ray, A.N.- Date of Judgement -21/01/1971 |
| 4 | Title -Thepfulo Nakhro Angami Vs. Shrimati Ravalu Alias Reno M. Shaiza- Coram -Shah, J.C. (Cj), Mitter, G.K., Hegde, K.S., Grover, A.N., Ray, A.N.- Date of Judgement -21/01/1971 |

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From Editor's desk

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**“JUDICIAL MANDATE FOR TIME BOUND DISPOSAL
OF INDICATED CATEGORY OF CASES”**

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.302 of 2010.

Date of decision: 4.5.2010

Sandeep Ghai

..... Petitioner

Versus

Neeraj Malhotra

..... Respondent

CORAM: HON'BLE MR. JUSTICE S.D. ANAND

S.D. ANAND J.

The petitioner herein brought to the notice of this Court the long pendency of ejection actions wherein ejection from tenanted premises had been applied for on an averment of personal necessity. In the light thereof, this Court directed the Registry to obtain information about the pendency of following category of cases:

- “1. Petitions in which a plea for ejection has been raised for personal necessity.
2. Petitions in which ejection has been applied for in terms of the provisions of Section 13-B of the East Punjab Urban Rent Restriction Act. 1949 (and the corresponding provision of the Haryana Urban (Control of Rent and Eviction) Act. 1973).
3. Petitions in which ejection has been applied for in terms of the provisions of Section 13 (3) of the East Punjab Urban Rent

Restriction Act, 1949 (and the corresponding provision of the Haryana Urban (Control of Rent and Eviction) Act, 1973).

A perusal of the information furnished by the various learned District Judges makes revelatory and starting reading. There are matters pending for the last quite a few years. The long pendency of those matters would appear to be alarming in view of the fact that the rent legislation provides for the expeditious trial of a specified category of cases. The long pendency, by the very nature of things, defeats the very purpose for which statute was brought about.

The current are 'trying' and 'prying' times for our institution which is the constitutionally announced sentinel of justice. The former expression has been used to signify that our institution has to redeem itself by annihilating the old pendency, particularly in a scenario where certain quarters are even endeavouring a resort to RTI for finding out the causes of delay. Our people have come of age and they have a right to query the Courts for long pendency, particularly in case where announced expeditious trial has been provided by the statute itself. The often highlighted inadequacy of the judicial manpower and the ever increasing arrears notwithstanding, the judicial personnel are the custodians of justice and they have indeed acquitted themselves creditably in the discharge of duty. The Apex Court has judicially indicated the equivalence of even the beginning level of the judicial hierarchical level to the political executive. That recognition, accompanied by the judicial declaration of entitlement to higher emoluments and perks etc. also puts a greater responsibility on the judicial personnel to respond and to reiterate our commitment to the cause of justice. This Court is not unmindful of the heavy dockets in the Courts. However, we have to evolve our own in-system mechanism to take care of the malaise of large pendency. It can also be done by prioritizing the pendency.

For institutionalize the system, the following is ordered: -

- “1. Every petition based upon an averment of personal necessity or a petition filed by a specified landlord would be disposed of within six months of the filing thereof. For expeditious disposal,

the Judicial Courts shall have to accord noticeable and compulsive priority to those cases.

2. More than ten years old cases shall be positively wiped out within three months from the cut off date i.e. 14.05.2010. For that expeditious disposal, the Courts would be entitled to prepone the date of hearing after notifying the parties opposite.
3. Over five years old cases shall be completely annihilated upon within six months from the cut off date i.e. 14.05.2010.

It will be the administrative responsibility of the learned District Judge to monitor the progress of this type of cases (wherever those are pending) by resort to whatever methodology they may like to adopt in their own discretion. Quality of supervision would be a part of their administrative acumen which they are expected to display.

For purpose of monitoring the progress of these cases, it is ordered that the following shall function as Nodal Officers for the exercise aforementioned: -

1. Registrar (Vigilance), Punjab for the entire State of Punjab and also the Union Territory, Chandigarh.
2. Registrar (Vigilance), Haryana for the entire State of Haryana.

The Nodal Officers shall be entitled to oversee the progress of these cases on the administrative side and furnish a report in the relevant behalf by the 7th of every month. Their responsibility in that behalf would be an exercise in continuity till further orders of the Court on the judicial side.

A copy of this order shall be FAXED to all the District and Sessions Judges in the States of Punjab, Haryana and Union Territory, Chandigarh. Registrar (Judicial) shall also forwarded a copy of this order to the Nodal Officers aforementioned.”

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