



## GUJARAT HIGH COURT ADVOCATES' ASSOCIATION

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Date: 14/02/2018

To

Hon'ble Chief Justice Mr. R. Subhash Reddy,

High Court of Gujarat

Sola, Ahmedabad

**Subject:** Growing tendency of concluding the hearing of cases, not pronouncing judgments for very long and releasing cases for fresh adjudication.

Hon'ble Chief Justice,

With deep anguish I am constrained to state that during last couple of months I have received many complaints from my lawyer friends that some judges of this court in several cases conclude the hearing of cases but they do not pronounce judgment/order for a very long time. In fact I have also personally faced same situation very recently and during last one year

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in two-three cases where the hearing of the cases got concluded but judgments were delayed and till date the judgments have not come. In **Anil Rai Versus State of Bihar (AIR 2001 SC 3173 paragraphs 6 to 22)** the Hon'ble Supreme Court has laid down guidelines/issued directions to be followed by all Hon'ble Judges when a case is reserved for judgment. The Hon'ble Supreme Court also laid emphasize on the fact that the Court Officer/Shirastedar of every judge of the High Court must report to Chief Justice every month about the number of cases where judgments were reserved but not pronounced. I have witnessed on many occasions that to circumvent the aforesaid direction of the Hon'ble Supreme Court a novel method has been developed by some judges to keep the case for dictation of order/judgment without formally reserving it or keeping it CAV. The cases are thereafter listed on board for dictation order/judgment at regular interval skirting the requirement of reporting to the Chief Justice about the number of cases where Judgments/orders were reserved. It is a settled law that what is not permitted to be done directly cannot be permitted to be achieved indirectly. As stated earlier the new method of keeping the matter for dictation of order/judgment without formally reserving it for pronouncement of judgment or keeping it CAV and listing the cases on board at regular interval without actually dictating order/judgment is highly deplorable.

The aforesaid tendency of some judges of keeping the cases for dictation order/judgment is increasing day by day. Therefore, unless this tendency is checked at the earliest, it would seriously prejudice the right to speedy justice available to every person in our country under Article 21 of



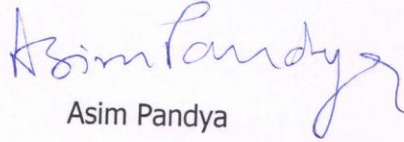
the Constitution of India. Under sheer compulsion I am undertaking the unpleasant task of bringing this unfortunate state of affairs to your notice and discharging my duty as the President of the Bar.

I am aware of the work load which the Hon'ble Judges are carrying, but that is no answer to not following or avoiding the mandatory directions/guidelines issued by Hon'ble Supreme Court in the case of **Anil Rai Versus State of Bihar (AIR 2001 SC 3173 paragraphs 6 to 22)**. Ideally once hearing is concluded and judgment is reserved, the judge concerned should make every attempt to pronounce the judgment within one month. In a given case where judge has to deal with a highly contested case which requires the judge concerned to go through case papers running into more than thousand pages, it is impracticable to expect delivery of judgment in a period of one month. However, such cases are very rare and nobody expects impossible things to be achieved in a stipulated time limit. But the instances are galore where cases not involving voluminous record are delayed and judgments are not pronounced for long. This causes not only considerable hardships to litigants but it also results into miscarriage of justice. Instances have come to my notice that after the change of the roster several cases heard fully are released by judges concerned under the pretext that they cannot do anything once the roster is changed. This results in to great wastage of judicial time, energy and efforts of all concerned engaged in dispensation of justice.

I, therefore, request you to circulate this letter to all Hon'ble Judges with a request to follow directions/guidelines issued by Hon'ble Supreme

Court in the case of **Anil Rai Versus State of Bihar (AIR 2001 SC 3173 paragraphs 6 to 22)** in the right earnest.

Thanking You,



Asim Pandya

President

Gujarat High Court Advocates' Association