

DLND010052832025



**IN THE COURT OF DISTRICT JUDGE- 01,
NEW DELHI DISTRICT, PATIALA HOUSE COURTS,
NEW DELHI**

Presided over by :- SH. DHARMENDER RANA (DHJS)

RCA DJ No. 27/2025

**Mehmood Pracha
S/o Sh. Siraj Pracha
R/o H. No. C-66, 2nd Floor, Nizamuddin
East, New Delhi-110013**

.....Appellant

Vs.

**Bhagwan Shri Ram Lala Virajmaan
Through next friend,m
Sh. Dhananjay Yashwant Chandrachud**

.....Respondent

**Appeal presented On : 16.07.2025
Arguments Concluded On : 08.10.2025
Judgment Pronounced On : 18.10.2025**

JUDGMENT

1. The appellant herein, who happens to be a practicing advocate, assails the judgment dated 25.04.2025, whereby the suit for declaration and mandatory injunction filed by the appellant herein came to be dismissed by the Ld. Trial Court.

2. The facts necessary for adjudication of the instant appeal can

be adumbrated herein as under: During a public address at Kanher, Pune, Maharashtra, Sh. Dhananjaya Yeshwant Chandrachud; Hon'ble Former CJI, has delivered a speech in Marathi. The appellant has claimed that the Hon'ble CJI in his public address has admitted that the judgment dated 09.11.2019, delivered by the Hon'ble Supreme Court of India, in Civil Appeal No. 10866-10867/2010 and connected matters titled as M. Siddiq (D) through LRs Vs. Mahant Suresh Das and Ors (hereinafter referred to as 'Ayodhya case') was in terms of the solution provided to him by Bhagwan Shri Ram Lala Virajman (respondent herein and one of the plaintiffs in the bunch of matters in Ayodhya case bearing Regular Suit No. 236 of 1989).

3. The appellant has accordingly instituted a suit for declaration and mandatory injunction before the Ld. Trial Court praying for the following reliefs:

“A. Pass a decree of declaration in favour of the Plaintiff that the judgment dated 09.11.2019 given by the Hon'ble Supreme Court of India in ***Civil Appeals No. 10866-10867/2010 and connected matters, titled M. Siddiq (D) Thr. Lrs. vs Mahant Suresh Das and Ors***, is vitiated by fraud, and is null and void; and

B. Pass a decree of Mandatory Injunction directing fresh adjudication of ***Civil Appeals No. 10866-10867/2010 and connected matters, titled M. Siddiq (D) Thr. Lrs. vs***

Mahant Suresh Das and Ors. without any interference from Defendant No. 1.

C. Pass any other order deemed fit and necessary in the facts of the case.”

4. Eventually, *vide* order dated 25.04.2025, Ld. Trial Court dismissed the suit of the appellant with a cost of Rs.1,00,000/-. Hence the instant appeal.

5. The appellant has assailed the impugned judgment on the following grounds:

5.1 (A) Locus standi:

It is forcefully argued that the Ld. Trial Court grossly erred by dismissing the suit of the appellant on the ground of ‘*locus standi*’. It is submitted that in the Ayodhya case rights of the two communities i.e. Hindu community and Muslim community were adjudicated by the Hon’ble Apex Court. It is submitted that the appellant herein is a member of Muslim community and since his rights were affected by the pronouncement of the judgment in the Ayodhya case, therefore, he being an aggrieved person has every rights to institute a suit and he cannot be non-suited merely on the ground of *locus standi*. It is thus argued that the Ld. Trial Court has fell into an error by dismissing the suit on the ground of *locus standi*.

5.2(B) Cause of Action:

It is submitted that the Ld. Trial Court miscarried itself by venturing into territories which were never a subject matter of dispute. It is submitted that the appellant has not assailed the judgment passed in the Ayodhya case on merits. It is contended that the impugned judgment delivered by the Hon'ble Apex Court was vitiated on the ground of fraud as one of the authors of the judgment has himself admitted that the litigant before him showed him the way, which tantamount to unlawful interference and thus the judgment stood vitiated on the grounds of fraud. It is forcefully argued that whether the alleged fraud in fact vitiated the judgment or not is subject matter of trial and the suit could not have been dismissed without testing the plaintiff's case on merits. It is argued that Ld. trial Court has grossly erred by dismissing the suit for want of cause of action without appreciating the nub of the issue. It is submitted that the plaint discloses a valid cause of action as an aggrieved person is competent to assail the judgment on the grounds of fraud and thus it cannot be contended that the plaint lacks any cause of action.

5.3 (C) Barred by Law:

It is submitted that Ld. Trial Court has incorrectly observed that the suit of the appellant is barred by law. It is submitted that no constitutional provision provides that judges are above law and cannot be impleaded. It is submitted that the judges, irrespective of the position they hold, can be prosecuted for the contempt of their own Courts. It is submitted that article 141 of the Constitution of India merely provides that the law declared by the Hon'ble Supreme Court shall be binding on all the Courts in India. It is submitted that the appellant has not assailed the judgment in the Ayodhya case on merits. It is argued that once the 'probable author' has himself proclaimed that he was in active communication with one of the litigants and the judgment was pronounced in terms of the solution provided by the litigant himself, the pronouncement stood vitiated on the ground of fraud. The Appellant insists on the use of words 'probable author'. It is submitted that there is no law which prohibits challenge to a judgment vitiated by fraud.

5.4 (D) Abuse of Process of Law and Imposition of Cost:

It is forcefully argued that the Ld. Trial Court has erred by stigmatizing the suit as a frivolous case. It is further argued that Ld. Trial Court has not only erred by dismissing the suit as frivolous but has also grossly erred by imposing

costs of Rs.1,00,000/-. It is argued that as per Section 35(A) of CPC, maximum costs that could have been imposed is Rs.3,000/- and the Ld. Trial Court has committed an error by ignoring the statutory mandate under section 35(A) of the CPC.

6. It is thus argued that the impugned judgment dated 25.04.2025 of the Ld. Trial Court cannot be sustained in the eyes of law and needs to be set aside.

7. Let us now deal with the above mentioned contentions of the appellant in seriatim.

8. (A) **Locus Standi:**

8.1 Ld. Trial Court has non-suited the appellant on the ground of locus as the plaintiff was not a party in the Ayodhya case and he cannot claim himself to be an affected party.

8.2 Perusal of the judgment in the Ayodhya case would reveal that one of the bunch matters i.e. Regular Suit No. 12 of 1961 (Suit No. 4) was a representative suit instituted by Sunni Central Waqf Board. So much so that one of the issue, affecting the rights of the members of the Muslim community, to the following effect was framed in the said representative suit:-

“Whether the building had been used by the members of the Muslim community for offering prayers from time immemorial. If so, its effect.”

8.3 Once the rights of the members of the Muslim community were involved, the appellant herein, who claims himself to be a devout Muslim, cannot be non-suited on the grounds of locus standi. I concur with the appellant that the suit ought not have been dismissed on the technical ground of locus standi.

9. (B) Cause of Action:

9.1 The appellant has attempted to set up a case before the Ld. Trial Court that since the Hon'ble Judge decided the matter as per the solution provided by one of the litigants, therefore, the judgment stood vitiated on the ground of fraud.

9.2 Before examining the merits of the contention, the relevant portion of the impugned speech delivered by Hon'ble Former CJI is reproduced herein as under for ready reference:

"When the Ayodhya matter was brought before me, we were thinking for three months on the matter of Ayodhya. The matter that was brought before us for which no one could propose a solution for centuries. We thought such a matter is brought before us that no one among us had a clue to find a way out of it, how to find a way? At that time, I was practicing prayer part of my routine prayers that I sit in front of deity, the God, I said to find out a way and if we have trust, we have such a faith that God always find a way."

9.3 Evidently, the Hon'ble Judge was praying to the Supreme Being to help him find out a way whereas the litigant before the Hon'ble Judge in the Ayodhya case was a juristic personality distinct from the Supreme Being. The appellant seems to have missed the subtle distinction between the 'Supreme God' and the 'Juristic Personality' litigating before the Court, probably on account of misunderstanding the law and religion. It appears that the appellant has not cared to go through the Ayodhya case judgment, otherwise such a confusion would not have arisen in his mind.

9.4 In order to clear the confusion, I am reproducing herein the relevant paragraphs from the Ayodhya case judgment for the benefit of the appellant herein:

“The Hindu idol and divinity

102. At the outset, it is important to understand that the conferral of legal personality on a Hindu idol is not the conferral of legal personality on divinity itself, which in Hinduism is often understood as the 'Supreme Being'. The Supreme Being defies form and shape, yet its presence is universal. In the law of Hindu endowments and in the present proceedings, it has often been stated that legal personality is conferred on the 'purpose behind the idol'. The present judgment shall advert to the exact legal significance of this

statement. For the present, it is sufficient to note that legal personality is not conferred on the ‘Supreme Being’ itself. As observed by this Court in Ram Jankijee Deities v State of Bihar (1999) 5 SCC 50:

*“19. God is omnipotent and omniscient and its presence is felt not by reason of a particular form or image but by reason of the presence of the omnipotent. **It is formless, it is shapeless and it is for the benefit of the worshippers that there is a manifestation in the images of the supreme being.** The supreme being has no attribute, which consists of pure spirit and which is without a second being i.e. God is the only being existing in reality, there is no other being in real existence excepting Him.
(Emphasis supplied)”*

103. In 1991, the English Court of Appeal in Bumper Development Corporation Ltd v Commissioner of Police of the Metropolis 53 was called to decide the question whether a Hindu temple and a Hindu idol could sue in a court of law. In 1976, an Indian labourer discovered a ‘Siva Natraja’ in Pathur, Tamil Nadu which the labourer subsequently sold to a dealer in religious artefacts. Other artefacts were subsequently found, including a ‘Sivalingam’, and were reinstated in

the Pathur temple. In 1982, Bumper Development Corporation purchased the 'Siva Natraja' in good faith from a dealer in London who produced a false provenance of the Natraja for the purposes of the sale. The Natraja was subsequently seized by the Metropolitan Police. At trial, the Government of India and the state government of Tamil Nadu intervened, along with the Pathur Temple and the Sivalingam as "juristic persons". The Court of Appeal engaged in a lengthy discussion on foreign law in English Courts. However, in evaluating the maintainability of the claim by the Pathur temple as a legal entity, the English court made the following observations:

"(1) Neither God nor any supernatural being can be a person in law. A practical illustration of the truth of this statement is that if the endowments were to vest in God as a supernatural being litigation between different temples over their respective rights would be impossible. In any event the same "person" would be both plaintiff and defendant since, as Dr. Mukherjea points out, all Hindus always worship the one Supreme Being. That there is much litigation between temples in India is clear beyond a peradventure.

...

(4) Any juristic person must be capable of identification. This necessitates that ‘person’ having a name or description. Since every Hindu idol is a manifestation of one Supreme Being, one must look elsewhere than to the name of God for an identification. The Pathur Temple bears the name of its founder in its title; and that appears to be the custom in Tamil Nadu. So any idol must in practice be referred to by association with the name of the temple in which it is.”

(Emphasis supplied)

*104. Hinduism understands the Supreme Being as existing in every aspect of the universe. The Supreme Being is omnipresent. The idea of a legal person is premised on the need to ‘identify the subjects’ of the legal system. An omnipresent being is incapable of being identified or delineated in any manner meaningful to the law and no identifiable legal subject would emerge. This understanding is reflected in the decisions of this Court as well. In **Yogendra Nath Naskar v Commissioner of Income Tax, Calcutta** (1969) 1 SCC 555, a three judge Bench of this Court was called upon to determine whether a Hindu idol (or ‘deity’) falls within the definition of an “individual” under Section 3 of the Income Tax Act 1922. Justice V*

Ramaswami speaking for a three judge Bench of this Court held:

*“Sankara, the great philosopher, refers to the one Reality, who, owing to the diversity of intellects (Matibheda) is conventionally spoken of (Parikalpya) in various ways as Brahma, Visnu and Mahesvara. **It is, however, possible that the founder of the endowment or the worshipper may not conceive of this highest spiritual plane but hold that the idol is the very embodiment of a personal God, but that is not a matter with which the law is concerned. Neither God nor any supernatural being could be a person in law. But so far as the deity stands as the representative and symbol of the particular purpose which is indicated by the donor, it can figure as a legal person.** The true legal view is that in that capacity alone the dedicated property vests in it. There is no principle why a deity as such a legal person should not be taxed if such a legal person is allowed in law to own property even though in the ideal sense and to sue for the property, to realise rent and to defend such property in a court of law again in the ideal sense. Our conclusion is that the Hindu idol is a juristic*

entity capable of holding property and of being taxed through its Shebaites who are entrusted with the possession and management of its property.”

(Emphasis supplied)

Legal personality is not conferred on the Supreme Being. The Supreme Being has no physical presence for it is understood to be omnipresent - the very ground of being itself. The court does not confer legal personality on divinity. Divinity in Hindu philosophy is seamless, universal and infinite. Divinity pervades every aspect of the universe. The attributes of divinity defy description and furnish the fundamental basis for not defining it with reference to boundaries – physical or legal. For the reason that it is omnipresent it would be impossible to distinguish where one legal entity ends and the next begins. The narrow confines of the law are ill suited to engage in such an exercise and it is for this reason, that the law has steered clear from adopting this approach. In Hinduism, physical manifestations of the Supreme Being exist in the form of idols to allow worshippers to experience a shapeless being. The idol is a representation of the Supreme Being. The idol, by possessing a physical form is identifiable.”

9.5 Evidently, if the appellant would have cared to go through the Ayodhya judgment, he would not have missed the words for the trees. The Hon'ble Apex Court in the *Ayodhya case judgment (supra)* has specifically clarified that:

“185.....As a matter of religion, every manifestation of the Supreme Being is divine and worthy of worship. However, as a matter of law, every manifestation of the Supreme Being is not a legal person. Legal personality is an innovation arising out of legal necessity and the need for adjudicative utility.”

9.6 Evidently, the distinction between a juristic personality litigating before the Court and the Omnipotent, Omnipresent, Omniscient Supreme Being is absolutely clear from the Ayodhya Case Judgment itself. Resultantly, one cannot resist the inference that the imputations of the appellant are result of his sheer indolence and incorrect understanding of the subject.

9.7 Further, the concept of 'Fraud' is to be construed as per the settled legal parameters. Hon'ble Apex Court in the matter of *S.P Chengalvaraya Naidu vs Jagannath: 1994 AIR 853, 1994 SCC (1)* has observed that:

“A fraud is an act of deliberate deception with the design of securing something by taking unfair advantage of another. It is a deception in order to gain by another's loss. It is a cheating intended to get an advantage”

9.8 Any religious person would agree that a connection between a devotee and divine is deeply internal and personal and no external interference in such internal personal matters can be countenanced. The constitution of India under article 25 protects the freedom of conscience and the right to practice religion equally to all citizens including Judges.

9.9 *Aham Brahama Asmi* is a core tenet of Hindu philosophy embodying the idea that the individual self is not separate from the universal, infinite consciousness. Therefore, as per Hindu philosophy, the quest for truth is a 'journey within'. Even the holy Quran permits the devotees to seek guidance for the right path from the almighty Allah (Surah Al Fatihah: Chapter 1: V. 6:- Guide us to the straight path). Fraud on the other hand is the result of an external interference laced with guilty Mens Rea, attributable to a sentient Human being. Therefore, seeking guidance from the almighty cannot be berated as a fraudulent act to gain an unfair advantage, either in law or in any religion.

9.10 Thus, taking the averments of the appellant on its face value, there is no scope for arguing that the plaint discloses any cause of action. Therefore, no fault can be ascribed to the approach of the Ld. Trial Court in dismissing the suit of the appellant for want of cause of action.

10. (C) Barred by law:

10.1 Ld. Trial Court, relying upon article 141 of Constitution of India, has dismissed the suit observing that the judgment of Hon'ble Apex Court is not amenable to challenge before the Civil Court. I am of the considered opinion that reliance upon article 141 of the Constitution of India, in a suit alleging fraud, is misplaced. *Fraus et jus nunquam cohabitant* i.e. Fraud and Justice can never dwell together. I am fortified in my opinion with the observations of the Hon'ble Apex Court in the matter of ***S.P Chengalvaraya Naidu vs Jagannath (supra)*** wherein Hon'ble Apex Court has observed herein as under:

"Fraud avoids all judicial acts, ecclesiastical or temporal" observed Chief Justice Edward Coke of England about three centuries ago. It is the settled proposition of law that a judgment or decree obtained by playing fraud on the court is a nullity and non est in the eyes of law. Such a judgment/decreed by the first court or by the highest court has to be treated as a nullity by every court, whether superior or inferior. It can be challenged in any court even in collateral proceedings."

(Emphasis supplied.)

10.2 Having said that, I cannot but disagree with the claim of the appellant that his suit is not barred under any law.

10.3 It would be pertinent to mention here that the only defendant/respondent impleaded by the appellant before the Ld. Trial Court, or for that matter before this Court, is ‘Bhagwan Shri Ram Lala Virajmaan Through Next Friend Shri Dhananjay Yashwant Chandrachud’. Evidently, the parties in the Ayodhya case have not been impleaded. This Court has specifically drawn attention of the appellant towards the requirement of impleadment of all the necessary parties in accordance with Order I Rule 9 CPC and even offered to exercise its powers under Order I Rule 10 CPC by deleting the name of the Hon’ble Judge from the array of parties. However, appellant insisted that the presence of the Hon’ble Judge Shri Dhananjay Yashwant Chandrachud is essential for the adjudication of the instant dispute. There is absolutely no justification, leave aside a reasonable one, as to why the defendant/respondent herein ought not be represented through the next friend, who represented it in the Ayodhya case. It appears that the appellant is actuated with an oblique intent. In my considered opinion, the suit of the appellant is clearly barred under Order I Rule IX CPC for non-impleadment of necessary parties.

10.4 Impleadment of Hon’ble Former CJI is bad in law on one more count. Hon’ble Apex Court in the matter of ***Subroto Roy Sahara vs UOI (2014) 8 SCC*** has observed that Supreme Court can not be called upon to explain the legitimacy of procedure adopted by Court while passing an order. Impleadment of Hon’ble CJI in the

instant matter shall stand foul of the aforesaid dicta of Hon'ble Apex Court in the matter of ***Subroto Roy Sahara vs UOI(supra)***.

10.5 The suit of the plaintiff is further barred under section 3 of the Judges Protection Act, 1985 which provides here as under:

“3. Additional protection to Judges.—(1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of sub-section (2), no court shall entertain or continue any civil or criminal proceeding against any person who is or was a Judge for any act, thing or word committed, done or spoken by him when, or in the course of, acting or purporting to act in the discharge of his official or judicial duty or function.

(2) Nothing in sub-section (1) shall debar or affect in any manner the power of the Central Government or the State Government or the Supreme Court of India or any High Court or any other authority under any law for the time being in force to take such action (whether by way of civil, criminal, or departmental proceedings or otherwise) against any person who is or was a Judge. ”

10.6 Resultantly, I am of the considered opinion, the suit as framed by the appellant is clearly barred by law and deserves to be dismissed in *limine* under Order VII Rule 11 (d) of CPC.

11 (D) Abuse of Process of Law and Imposition of Cost:

11.1 It has already been observed above that the appellant has opted to challenge the Ayodhya case verdict on absolutely frivolous grounds, even without bothering to go through the *verdict*. The insistence of the appellant to implead the Hon'ble CJI, soon after his retirement, speaks volumes against his oblique intent.

11.2 It is not a case of an ordinary simpleton or a naive litigant, who is not well versed with the legal nitty gritty, but a case filed by a fairly senior counsel. Hon'ble Apex Court in the matter of ***Bar Council Of Maharashtra v. M.V Dabholkar And Others (1976) 2 SCC 291*** has underscored the pious duties of the members of the Bar in the following words:

“Law is no trade, briefs no merchandise and so the leaven of commercial competition or procurement should not vulgarise the legal profession.....

For the practice of Law with expanding activist horizons, professional ethics cannot be contained in a Bar Council rule nor in traditional cant in the books but in new canons of conscience which will command the members of the calling of justice to obey rules of morality and utility, clear in the the crystallized case-law and concrete when tested on the qualms of high

norms simple enough in given situations, though involved when expressed in a single sentence.”

11.3 There cannot be any second thought about the right of a citizen to seek judicial redressal of his grievances by instituting a suit or defending a claim but at the same time the right to litigate cannot be reduced into an exercise in wagger or an activity of amusement. Time is a precious judicial entity which ought to be sagaciously invested in serious litigation and cannot be permitted to be squandered by unscrupulous litigants. A luxurious and frivolous litigation is a direct onslaught upon the fundamental rights of the sincere litigants patiently waiting in the queue for redressal of their legal grievances. The already overburdened dockets of the Court cannot afford the menace of luxurious and frivolous litigation. The issue becomes all the more concerning when a responsible officer of the Court opts to file a frivolous litigation. The menace of luxurious and frivolous which tends to impede the unsullied flow of Justice needs to be dealt with an iron hand. Therefore, it is perfectly just and legitimate to impose costs while dismissing frivolous litigations. Reliance in this regard can be placed upon *(i) Inderjeet Kaur Kalsi Vs. NCT of Delhi 2013 SCC Online Delhi 4788 (ii) Surender Tomar (Thr. Lr Smt. Saroj) Vs. DDA and Anr. CRP No. 142/14, CM No. 15293/14 and 15294–15295/14 date of decision: 16.09.2014 (iii) Ram Rameshwari Devi and others Vs. Nirmala Devi and others, ((MANU/SC/0169/2011).*

11.4 Having satisfied myself with the requirement of imposition of costs upon luxurious and frivolous litigations, I now proceed to examine the propriety of the quantum of cost.

11.5 Admittedly, section 35(A) of the CPC merely permits the imposition of costs to the tune of Rs.3,000/- only. The initial line of judgment by the Hon'ble Apex Court suggests that the costs beyond Rs.3,000/- ought not be imposed. In the case of *(i) Ashok Kumar Mittal Vs. Ram Kumar Gupta (2009) 2 SCC 656*, *(ii) Vinod Seth vs Devinder bajaj (2010) 8 SCC 1* and *(iii) Sanjeev kr Jain vs Raghubir Saran Charitable trust and ors (2012) 1 SCC 455*, Hon'ble Apex Court has observed that the costs should not breach the statutory limit of Rs.3,000/-.

11.6 However, it would be apt to mention here that all the above quoted judgments were passed by two Judges Bench of the Hon'ble Apex Court. Eventually, a three Judge bench of the Hon'ble Apex Court clarified the issue in the matter of *Maria Margarida sequeira Fernandes and others vs Erasmo Jack De Sequeira (2012) 5 SCC 370* and observed here as under:

“82. This Court in a recent judgment in Ramrameshwari Devis aptly observed at p. 266, para 43 that unless wrongdoers are denied profit from frivolous litigation, it would be difficult to prevent it. In order to curb uncalled for and frivolous litigation, the courts have to ensure that there is no incentive or

*motive for uncalled for litigation. It is a matter of common experience that the court's otherwise scarce time is consumed or more appropriately, wasted in a large number of uncalled for cases. In this very judgment, the Court provided that this problem can be solved or at least can be minimised **if exemplary costs is imposed for instituting frivolous litigation.** The Court observed at pp. 267-68. para 58 that imposition of actual, realistic or proper costs and/or ordering prosecution in appropriate cases would go a long way in controlling the tendency of introducing false pleadings and forged and fabricated documents by the litigants. Imposition of heavy costs would also control unnecessary adjournments by the parties. In appropriate cases, the courts may consider ordering prosecution otherwise it may not be possible to maintain purity and sanctity of judicial proceedings”*
(Emphasis supplied.)

Similarly, another three judge bench of the Hon’ble Apex Court in the matter of ***Dnyandeo sabaji naik v pradnya Prakash(2017) 5 SCC 496*** has once again reiterated the requirement of imposing exemplary and prohibitive costs upon frivolous litigations in the following words:

“13. This Court must view with disfavour any attempt by a litigant to abuse the process. The sanctity

of the judicial process will be seriously eroded if such attempts are not dealt with firmly. A litigant who takes liberties with the truth or with the procedures of the Court should be left in no doubt about the consequences to follow. Others should not venture along the same path in the hope or on a misplaced expectation of judicial leniency. Exemplary costs are inevitable, and even necessary, in order to ensure that in litigation, as in the law which is practised in our country, there is no premium on the truth.

14. Courts across the legal system-this Court not being an exception-are choked with litigation. Frivolous and groundless filings constitute a serious menace to the administration of justice. They consume time and clog the infrastructure. Productive resources which should be deployed in the handling of genuine causes are dissipated in attending to cases filed only to benefit from delay, by prolonging dead issues and pursuing worthless causes. No litigant can have a vested interest in delay. Unfortunately, as the present case exemplifies, the process of dispensing justice is misused by the unscrupulous to the detriment of the legitimate. The present case is an illustration of how a simple issue has occupied the time of the courts and of how successive applications have been filed to prolong the inevitable. The person in whose favour the balance

*of justice lies has in the process been left in the lurch by repeated attempts to revive a stale issue. This tendency can be curbed only if courts across the system adopt an institutional approach which penalises such behaviour. Liberal access to justice does not mean access to chaos and indiscipline. A strong message must be conveyed that courts of justice will not be allowed to be disrupted by litigative strategies designed to profit from the delays of the law. Unless remedial action is taken by all courts here and now our society will breed a legal culture based on evasion instead of abidance. It is the duty of every court to firmly deal with such situations. **The imposition of exemplary costs is a necessary instrument which has to be deployed to weed out, as well as to prevent the filing of frivolous cases.** It is only then that the courts can set apart time to resolve genuine causes and answer the concerns of those who are in need of justice. Imposition of real time costs is also necessary to ensure that access to courts is available to citizens with genuine grievances. Otherwise, the doors would be shut to legitimate causes simply by the weight of undeserving cases which flood the system. Such a situation cannot be allowed to come to pass. **Hence it is not merely a matter of discretion but a duty and obligation cast***

upon all courts to ensure that the legal system is not exploited by those who use the forms of the law to defeat or delay justice. We commend all courts to deal with frivolous filings in the same manner.”
(Emphasis supplied)

11.7 Evidently, imposition of exemplary costs in the instant matter was not only desirable but a mandatory duty cast upon the Ld. Trial Court. Thus, no fault can be ascribed to the approach of the Ld. Trial Court in imposition of the cost of Rs.1,00,000/-. Therefore, I do not find any merit in this leg of contention also.

12. Before parting, there is another aspect which needs to be dealt with by this Court. Off late, a very negative trend is discernible in the society. It is now a fad to target important public functionaries upon their demitting offices. Some unscrupulous litigants nurtures a misconceived notion that upon demitting office an ex-public functionary becomes vulnerable and prone to all kind of malicious and malefic assault. I may gainfully reproduce herein the observations of the Hon’ble Delhi High Court in the matter of ***Naresh Sharma Vs. Union of India and Others 2023 SCC OnLine Del 4254*** wherein, while dealing with a similar situation, Hon’ble Delhi High Court has observed here as under:

“94. While this Court is sensitive that the doors of the Courts are open to every citizen who seeks redressal in good faith, the Courts cannot suffer in silence, the

unending filing of baseless claims unsupported by any document against every possible past and present, Government and Private authority of our country, every public institute, the leaders who have passed away including the freedom fighters and past and present Supreme Court Judges. This Court does not deem it appropriate that the Government and other authorities should even be burdened with the task of defending the petition or this Court being troubled for adjudicating the frivolous petition.”

13. Therefore, Courts of this country owes a duty to ensure a peaceful and pleasant evening to the persons who have devoted their life to the service of nation. Not only the Courts but even the bar owes an important duty to diligently act as sentinel so that the impurities are sieved out at the entry gates itself. Reliance in this regard can be placed upon the prophetic words of Hon’ble Justice Krishna Iyer in the matter of ***T. Arivandandam v. T.V. Satyapal (1977) 4 SCC 467*** wherein Hon’ble Apex Court had reminded the Bar Council of its role in limiting the filing of frivolous litigation as under:

“...The pathology of litigative addiction ruins the poor of this country and the Bar has a role to cure this deleterious tendency of parties to launch frivolous and vexatious cases.

.....It may be a valuable contribution to the cause of justice if counsel screen wholly fraudulent and frivolous litigation refusing to be beguiled by dubious clients. And remembering that an advocate is an officer of justice he owes it to society not to collaborate in shady actions.....”
(Emphasis Supplied)

14. The situation becomes distressful when the protector himself turns predator. In the case at hand, the appellant, despite being a fairly senior counsel, has opted to choose the wrong color of jersey. Instead of participating in the solution, he has opted to augment the problem. The appellant herein has not only filed a false and frivolous suit but has even filed an absolutely luxurious and frivolous appeal.

15. Hon'ble Apex Court in the matter of ***Vinod Seth v. Devinder Bajaj, (2010) 8 SCC 1*** had highlighted the intended goal for having the provision of costs, as under:

“23. The provision for costs is intended to achieve the following goals:

(a) It should act as a deterrent to vexatious, frivolous and speculative litigations or defences. The spectre of being made liable to pay actual costs should be such, as to make every litigant think twice before putting forth a

vexatious, frivolous or speculative claim or defence.
(Emphasis supplied)”

16. Evidently, the cost imposed by the Ld. Trial Court has failed to achieve the intended goal of deterrent effect. Therefore, I am of the considered opinion that in order to effectively check the menace of frivolous and luxurious litigation the cost amount needs to be suitably enhanced to fetch the desired results.

17. Accordingly, the instant appeal stands dismissed with an additional cost of Rs.5,00,000/- to be deposited with DLSA, ND. The total cost of Rs.6,00,000/- (Rs.1,00,000/- imposed by Ld. Trial Court + Rs.5,00,000/- imposed by this Court) be deposited within 30 days from today failing which Ld. Secretary, DLSA (ND) shall initiate appropriate action for recovery of the cost amount.

18. Ordered accordingly.

19. A copy of the instant order along with the TCR be sent to the Ld. Trial Court for information.

20. File be consigned to record room after necessary compliance.

**Announced in the
open Court on 18.10.2025**

**(Dharmender Rana)
District Judge – 01
PHC/New Delhi/18.10.2025**