

## RAJASTHAN HIGH COURT, JODHPUR

**:: CIRCULAR ::**

No. **3...**/P.I./2018

Date : **18.05.2018**

It is a matter of great concern that the pendency of cases is increasing day by day, as a result of which the society is deprived of timely justice and the very purpose of judicial system is frustrated. Certainly, required number of Courts are not established to cope up with the rising litigation and sufficient infrastructure is also not provided but the Judiciary cannot be absolved of its prime responsibility to ensure timely Justice only on such counts. Therefore, it is high time to evolve tools and techniques to improve the rate of disposal with available courts and infrastructure.

It is an appreciable fact that most of the Judicial Officers put in their best efforts for expeditious disposal of cases but they may substantially increase their efficiency by adopting systematic techniques of court management. It is also observed that some of the officers do not take extra pains for reducing the pendency and they feel satisfied on achieving required quota of disposal by claiming credit of ancillary works. This tendency is resulting in the increase of pendency which is not only detrimental to the institution but also adversely affects the personality and overall performance of the judicial officer concerned. Therefore, all the judicial officers are required to introspect their performance particularly in the light of reducing the pendency.

Taking note of rapidly increasing pendency, it is the need of the hour that all the Judicial Officers will have to set target of annual disposal of average filing in a court during last 5 years plus 10% of every year increase plus 10% of total pendency. In other words, as far as possible, each officer will make all endeavours to dispose of not only the cases equal to average institution but also he will additionally dispose of 10% of the average institution and further 10% of the total pendency of concerned court.

To achieve the above target, the Presiding Officers will ponder over the nature of pending cases and will assess the estimated time required for disposal of different type of cases. After thorough assessment, the Daily Cause List will be managed by listing only such number of both Civil and Criminal Cases in which effective proceedings can be undertaken on a particular day, so that no

case is adjourned due to paucity of time and so also the court hours are not lapsed for want of sufficient work.

In order to avoid delay in the garb of procedural grounds, relevant enactments have been suitably amended and various judicial pronouncements also impress upon expeditious disposal of the cases, but these mandates are not complied with strictly which is the main reason of delay in disposal of cases. This situation is urgently required to be addressed.

It is a common experience that a good number of frivolous, vexatious and scandalous cases are filed with oblique motives. Such matters are not carefully examined at the time of institution and often allowed to travel in the main stream. Similarly, after obtaining ad-interim or ex-party stay orders, matters are lingered for years by using one or other delaying tactics. Inordinate delay is caused in most of the civil matters in execution of decree and most of the litigants are frustrated when they have to wait for generations to get the real fruit of the decree and by the time the decree becomes meaningless. Thus, not only unscrupulous litigants succeed in abuse of process but considerable court time is also grabbed. Therefore, this tendency is required to be dealt with sternly so that the faith of public may be maintained in the institution and rising pendency may be checked to great extent.

Specific provisions have been made in various Statutes to check frivolous litigation. For example, the Civil Suits are barred by certain enactments and also instead of civil suits, alternative efficacious remedies have been provided for particular disputes. To deal with these situations, Order 7 Rule 11 CPC empowers the Civil Court to reject or dismiss the civil suits on the very inception which are barred by law or otherwise not maintainable. Civil Appeals without any substantial or considerable basis are liable to be dismissed on very threshold. But unfortunately such stringent legal provisions are seldom invoked.

Likewise, time frame for various stages of trial has been prescribed in the Code of Civil Procedure. Maximum time of 7 days for filing fresh summons is provided and one month's time for written statement is prescribed which may be extended maximum upto 90 days in exceptional circumstances. For amicable settlement of disputes, ADR mechanisms have been evolved. To cut short the controversy, parties may be examined before settlement of the issues. For this purpose, process of admission denial of documents and discovery of facts through questionnaire may be adopted. Issues are to be mandatorily settled on first date of hearing and no adjournment is permissible

for this purpose. More than three adjournments are not permissible for evidence or any other purpose. Specific provisions are available to control the court proceedings. The Civil Courts have ample power to check unnecessary adjournments and delaying tactics by imposing costs, closing of reply, evidence, cross examination, striking out of defence etc.

Similarly, specific provisions are available to check the institution of frivolous and vexatious criminal cases. Criminal Procedure Code mandates that cognizance of offence should not be taken in mechanical manner but it should be taken with thorough application of mind. Likewise, complaints filed with oblique motive or as a pressure tactics should not be sent for investigation under Section 156(3) Cr.P.C. in routine manner. Section 258 Cr.P.C. empowers the criminal court to stop the proceedings in baseless cases. In the beginning of trial, the matter is thoroughly scanned for framing of charges which also gives an opportunity to the accused to plead guilty if he has committed the alleged crime. To cut short the controversy or for the just decision of the matter, the accused can be examined at any stage. The process of admission denial of documentary evidence may be undertaken through which, the number of witnesses would be limited and obviously the trial will be expedited. Section 309 Cr.P.C. provides for day to day hearing of the case. Various Circulars have been issued in compliance of judicial pronouncements to restrict unnecessary adjournments and to complete the trial without delay. Thus, criminal courts also have ample powers to check delay tactics and frivolous cases by invoking such stringent provisions.

The pendency and nature of the cases varies from court to court. Probable time of disposal of same type of case differs from place to place and it also depends upon the pendency of the court. Time of disposal also depends upon the nature and importance of the cases. Thus, disposal depends upon various aspects, hence, time limit for disposal of cases or maximum time limit of each stage of case cannot be uniformly prescribed. Therefore, each judicial officer should sincerely consider all relevant aspects of his court and prepare an action plan for time bound and expeditious disposal of the cases in view of the nature and number of pending cases by fixing minimum possible time limit for each stage of the different types of the cases so that above annual targets of disposal may be achieved.

To ensure above target of annual disposal, each Judicial Officer is required to make sincere efforts by regular introspection and self assessment. For constant monitoring of the progress, the Principal District Judges will

encourage all the subordinate judicial officers to maintain the pace of disposal and will provide every possible assistance to remove their difficulties. The progress of each officer of the judgeship will be reviewed individually and also in bi-monthly meetings. Compiled report of bi-monthly meeting will be placed before respective Hon'ble Inspecting Judge and remedial measures will accordingly be taken as per his Lordship's guidance.

In order to have fair and transparent appraisal of each Judicial Officer, a logical computer programme is being developed through which performance will be logically analysed and assessed taking note of progress in achieving above set targets of annual disposal.

Certain directions for expeditious and time bound disposal of cases have been issued from time to time with the clear caution that quality should never be compromised for the sake of quantity and the mandate of Hon'ble Supreme Court in P. Ramchandra Rao Vs. State of Karnataka and other legal provisions should be strictly complied with. However in view of the above, while reiterating the earlier directions, all the Judicial Officers are enjoined upon to follow these guidelines in letter and spirit, so that they may better serve the institution and may achieve the goal of timely justice to the society.

By Order,

  
REGISTRAR GENERAL

No. Gen/XV/41/2015/3500

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Copy forwarded to All the District & Sessions Judges with the request to circulate the same amongst all the Judicial Officers posted in their judgeships for information and compliance.

  
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