

Manoj Kumar and ors. Vs. Civil Judge (Junior Division) and ors.

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Court : Allahabad

Decided On : Oct-01-1997

Reported in : (1997)3UPLBEC1767

Judge : M. Katju and ;J.C. Mishra, JJ.

Appeal No. : Civil Misc. Writ Petition No. 33778 of 1997

Appellant : Manoj Kumar and ors.

Respondent : Civil Judge (Junior Division) and ors.

Advocate for Def. : S.C.

Advocate for Pet/Ap. : H.P. Mishra, Adv.

Judgement :

M. Katju, and J.C. Mishra, JJ.

1. The facts of this case discloses a shocking state of affairs relating to the judiciary. It appears that suit No. 903 of 1970 was filed before the Munsif, Deoria in 1970 which was decreed on 29-2-1980. Against that judgment an appeal was filed which was dismissed on 10-3-1983 and it is alleged that no further appeal was filed against the order of the learned District Judge dated 10-3-1983. Thereafter an execution application being Execution Case Mo. 70 of 1990 was filed on 30-5-1990 for getting the decree executed but as alleged in Para 9 of the petition the

execution case is being adjourned again, and is not being disposed of. The next date is fixed for 18-10-1997. It is also alleged in Para 14 of the petition that respondent No. 1 the Civil Judge (Junior Division) Deoria is not deciding the execution proceeding, hence the petitioner has been compelled to file this writ petition.

2. The facts of this case reveal a disgraceful state of affairs. Suit No. 903 of 1970 was decreed in 1980 but the decree has not yet been executed by the court concerned although 27 years have elapsed since the filing of the suit. It seems that some judicial officers are simply not interesting in disposing of cases of their courts, and they keep granting adjournments on flimsy grounds which is bringing the judiciary into disrepute. We, therefore, direct that the Execution Case No. 70 of 1990 be decided within two months of production of certified copy of this order before the executing court. If the execution application is not disposed of within two months, action will be taken against the concerned judicial officer by the District Judge.

3. Before parting with this case, we would like to mention that it is deeply regrettable and highly objectionable that there are strikes in District Courts in U.P. on flimsy and frivolous pretexts, and some District Courts function only for about 60 or 70 days in a year. This is a shocking state of affairs, and will no longer be tolerated by this Court. The judiciary and bar are both accountable to the public and they must behave in a responsible manner so that cases are decided quickly and thus the faith of the public in the judiciary is maintained. Surely, the public has a right to expect this from us We therefore, issue a general mandamus to all the judicial officers in all District Courts in U.P. that if the lawyers go on strike the judicial officers must, despite the strike of lawyers, sit in court and pass orders in cases before them even in the absence of the counsels. If the lawyers disturb the functioning of the Court, the District Judge shall contact the police and the police will give all protection to the judges and the cases will not be adjourned merely because of the lawyers' strike. People in this State are fed up with lawyers' strikes and this state of affairs must now end. The lawyers must realize that litigants, witnesses, etc, often come from distant places at heavy expense and it is most improper that they have to go away because of strikes by lawyers. The judiciary

exists for the people and not for lawyers or judges.

4. Let a copy of this order be sent by the Registrar, of this Court to all the District Judges in U.P., President and Secretaries of the District Bar Associations throughout the State and the President and Secretary of the High Court Bar Association at the earliest.

5. With these observations the petition is finally disposed of.

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