



सत्यमेव जयते

UTTARAKHAND COURT NEWS
(A Quarterly Court Magazine)

Vol.-XII Issue No.-I (January-March, 2021)



EDITORIAL BOARD

Hon'ble Mr. Justice Manoj Kumar Tiwari
Hon'ble Mr. Justice R.C. Khulbe
Hon'ble Mr. Justice Alok Kumar Verma

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A quarterly newsletter published by High Court of Uttarakhand, Nainital



Hon'ble Mr. Justice Raghvendra Singh Chauhan
(Chief Justice)
(w.e.f. 07.01.2021)



Hon'ble Mr. Justice Manoj Kumar Tiwari



Hon'ble Mr. Justice Sharad Kumar Sharma



Hon'ble Mr. Justice Narayan Singh
Dhanik



Hon'ble Mr. Justice Ramesh Chandra
Khulbe



Hon'ble Mr. Justice Ravindra Maithani



Hon'ble Mr. Justice Alok Kumar Verma

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HIGH COURT Of UTTARAKHAND

LIST OF JUDGES (AS ON 31ST MARCH, 2021)

Sl. No.	Name of the Hon'ble Judges	Date of Appointment
1.	Hon'ble Mr. Justice Raghvendra Singh Chauhan (Chief Justice)	07.01.2021
2.	Hon'ble Mr. Justice Manoj Kumar Tiwari	19.05.2017
3.	Hon'ble Mr. Justice Sharad Kumar Sharma	19.05.2017
4.	Hon'ble Mr. Justice Narayan Singh Dhanik	03.12.2018
5.	Hon'ble Mr. Justice Ramesh Chandra Khulbe	03.12.2018
6.	Hon'ble Mr. Justice Ravindra Maithani	03.12.2018
7.	Hon'ble Mr. Justice Alok Kumar Verma	27.05.2019

MAJOR EVENTS & INITIATIVES



On the Occasion of Transfer of Hon'ble Mr. Justice Ravi Malimath, the Acting Chief Justice of High Court of Uttarakhand on 04-01-2021.

Oath Ceremony of Hon'ble the Chief Justice Raghvendra Singh Chauhan



Hon'ble Shri Justice Raghvendra Singh Chauhan, has assumed charge of office of Chief Justice of the High Court of Uttarakhand on **January 07, 2021 at 11:40 A.M. vide Notification No. K. 13032/02/2020-US.I, dated 31.12.2020** issued by Government of India, Ministry of Law & Justice Department of Justice), New Delhi.

Hon'ble Judges of the High Court on the Oath Ceremony of Hon'ble Mr. Justice Raghvendra Singh Chauhan, Chief Justice of the High Court of Uttarakhand on 07.01.2021



(Sitting L.R)

Hon'ble Mr. Justice Manoj Kumar Tiwari, Hon'ble Mr. Justice Sudhanshu Dhulia, Hon'ble Mr. Justice Raghvendra Singh Chauhan (Chief Justice), Hon'ble le Mr. Justice Lok Pal Singh and Hon'ble Mr. Justice Sharad Kumar Sharma.

(Standing L.R.)

Hon'ble Mr. Justice Alok Kumar Verma, Hon'ble Mr. Justice Ravindra Maithani, Hon'ble Mr. Justice Narayan Singh Dhanik and Hon'ble Mr. Justice Ramesh Chandra Khulbe



On the Occasion of Transfer of Hon'ble Mr. Justice Sudhanshu Dhulia, Judge, High Court of Uttarakhand.



A Full Court Reference on Superannuation of the Hon'ble Mr. Justice Lok Pal Singh, Judge High Court of Uttarakhand on 15.01.2021.

Republic Day Celebration: On 26th January, 2021



On 26th January, 2021, Republic Day was celebrated in the High Court premises with Great enthusiasm. On this occasion, National Flag was hosted by Hon'ble Mr. Justice Raghvendra Singh Chauhan, Chief Justice, Hon'ble Mr. Justice Lok Pal Singh and Hon'ble Mr. Justice Sharad Kumar Sharma graced the occasion. Officers, Officials of the Registry, Advocates were also present to mark the occasion.

**SOME RECENT JUDGMENTS OF
THE HON'BLE COURT'S
DURING THE PERIOD COMMENCING FROM 01.01.2021
TO 31.03.2021**

Division Bench Judgments

1. *In CRLA No. 352 of 2014, Rakesh vs. State of Uttarakhand*, decided on 22.02.2021, the Hon'ble Court observed that the Plurality of evidence is not at all required for bringing home the guilt of the accused. Any hard and fast rule that a particular number of witnesses should be required to prove a particular offence, would hamper the administration of justice. Section 134 of the Indian Evidence Act, 1872 lays down that no particular number of witnesses is necessary for proof of any fact. The provision follows the maxim that "evidence is to be weighed and not counted". All that the Court is concerned with is the quality and not the quantity of the evidence.

If a dying declaration is acceptable as truthful even in the absence of corroborative evidence, Court may act upon it. When a question of fact is produced before the accused, he is free to decide it in any way that he thinks proper. In the instant matter, the accused chose not to challenge the dying declaration. In the cross-examination of Ramesh Kumar (PW-1) and Smt. Laxmi (PW-2), even no suggestion has been addressed to these witnesses that the said dying declaration had not been given by the deceased.

Single Bench Judgments

1. *In SA. No 169 of 2013, Jagmohan Singh vs. General Manager, Tehri Hydro Power Corporation, Bhagirathi Puram, Tehri, Tehri Garhwal and another*, decided on 15.03.2021, the Hon'ble Court observed that a very interesting question, which has been argued by the learned Senior Counsel for the plaintiff/appellant to sustain his suit, to be maintainable before the Civil Court, and in order to override the effect of the bar, which has been created by Section 331 of the U.P.Z.A & L.R. Act. His argument is from the perspective that the bar of Section 331, if it comes as one of the issues under consideration, then it was rather the duty which was exclusively casted on the Courts, to have formulated the question and remitted back, the issue to the Court of Assistant Collector, to get the findings returned on that aspect. What he wanted to convey through his arguments, in fact, it was that it was not the responsibilities of the parties to the proceedings against whom the bar of Section 331 of U.P.Z.A. & L.R. Act, has been raised in order to maintain a suit before the Civil Court, who is required to have the recourse to Section 331A of the U.P.Z.A & L.R. Act, its rather the duty was to be discharged by the Civil Court, itself for formulating the question.

This Court is not in agreement with the tenacity of arguments, as has been extended by the learned Senior Counsel, for the appellant, for the reason being that if the language, intention and purpose of Section 331A of the U.P.Z.A & L.R. Act, which has been extracted hereinabove, is taken into consideration, where it casts a duty that any land, which is outside the ambit of the land as declared under Sections of 143 and 144 of the U.P.Z.A. & L.R. Act, "the Court shall frame an **issue on the question** and send the record to the Collector in- charge of the said division for decision".

The argument extended by the learned senior counsel for the plaintiff/appellant, from the perspective that it was the Court's duty, who was

supposed to frame the issue, as per opinion of this Court it is not exclusively to be discharged by the Court itself and as per the opinion of this Court, is not acceptable for the reasons, that since according to the provisions contained under Section 341 of the U.P.Z.A & L.R. Act, the provisions of CPC has been specifically made applicable in its totality, over all the proceedings, which are contemplated under the U.P.Z.A. & L.R. Act and where an issue is required to be referred to be decided under Section 331A of the U.P.Z.A. & L.R. Act, it was also the corresponding responsibility, which was to be discharged by the plaintiff/appellant, too because it was he who has to maintain his suit and the responsibility was casted upon the plaintiff/appellant, more to ensure and get an issue formulated by invoking the provisions contained under Order 14 Rule 4/5 of the CPC, and getting the findings returned from the Assistant Collector, to override the embargo of Section 331 of the U.P.Z.A.& L.R. Act, as was pleaded in the proceedings. That is what has been spirited by Section 331A of U.P.Z.A. & L.R. Act, that the plaintiff/appellant cannot shy away from its responsibility to get an appropriate issue framed, which is the responsibility statutorily casted on the plaintiff/appellant, so as to maintain its suit before the Civil Court, in relation to a revenue land. The burden of formulation of proper issue was vested on him under Section 341 of U.P.Z.A. & L.R. Act, to be read with Order 14 Rule 3/4 of C.P.C.

The second substantial question of law, and very interestingly, as modulated by the counsel is with regard to the impact of non-joinder of necessary parties, over the suit in question, particularly, for which the plaintiff/appellant, was claiming a compensation, as a consequence of the acquisition of the land which was taken over by the defendants/respondents. As per the revenue records, the land is shown to be jointly recorded in the name of different co-tenure holders. The entries made in Column 9 and 12 of the khatauni, which was on record does not show that any apportionment of the property had ever taken place between the co-owners, so far, by recourse to judicial proceedings by the competent revenue or a Civil Court. Nor does it reflects that its nature of use has been changed by any specific order passed under Section 143, as khatauni on record as evidence does not record any

entries in relation thereto also. No entry with regards to any proceedings of partition of holding under Section 176 of U.P.Z.A. & L.R. Act; has been shown to have been taken between co-sharers of the property. Hence, each co-sharers has a right over the land jointly which continues to be jointly recorded, in their names.

There is nothing brought on record, either by way of an evidence or by way of revenue entries in order to show that the plaintiff/appellant, was ever by any judicial order was ever specifically recorded in relation to a specific share of a land as recorded in khata No. 117 and that the khasra No. 50 has fallen in his share. Hence in the absence of there being any such settlement or apportionment of holding in dispute being proved, as per the evidence on record, it would be deemed that all the co-tenure holders who were recorded, as against khasra No. 117 and were the joint tenure holders hence each and every recorded co-tenure holder has its specific rights over the land for which the compensation was claimed by the plaintiff/appellant by way of grant of decree of mandatory injunction by invoking the provisions contained under Section 38 of the Specific Relief Act.

Considering the pleadings raised, and particularly the pleading that has been raised in para 18 and 19 of the plaint, where the plaintiff/appellant had himself voluntarily confined his claim to the extent of $1/5^{\text{th}}$ share of the property only for the reason being that the determination of $1/5^{\text{th}}$ share has been taken, as to be the foundation for the claim of compensation of the plaintiff/appellant for the purposes of remittance of the Court fees.

If that be so, then the determination of exclusive $1/5^{\text{th}}$, share on the basis of the pleadings raised in the plaint itself, cannot be exclusively be taken as to be the basis to decide the settlement of rights of the plaintiff/appellant, and in such an eventuality, where a compensation has to be determined to the so-called alleged claim of $1/5^{\text{th}}$, share of an immovable property, which could not have been appropriately decided in the absence of other co- sharers, being made as party to the proceedings, because any determination, if it was to be made by the learned trial

Court, with regard to the specific share for khasra No. 50, and claim of compensation, until and unless, it is proved beyond doubt by evidence that it has fallen in the specified share of the plaintiff/appellant, no determination of an appropriate compensation in the absence of the other co-tenure holders, being made as a party to the suit, could have been effectively decided by the trial Court. In such an eventuality, this Court holds that the suit was suffering from the vices of non-joinder of necessary party, as all the co-tenure holders of khata No. 117, were not made as party and any determination of payment of compensation, to a land falling as a part in an undivided joint holdings recorded in the revenue records, would entail a consideration of rights of all the other co-tenure holders, consequently it is held that the suit also suffered from the vices of non-joinder of necessary parties, apart from the fact that and as already answered above that it was not sustainable before the Civil Court, on account of the bar created by Section 331 of the U.P.Z.A. & L.R. Act.

2. ***In WPMS No.1631 of 2019, M/s Uttam Sugar Mills Ltd. vs. Manoj Kumar along with connected matters***, decided on 15.03.2021, the Hon'ble Court observed that before the Labour Court, the only ground, which was agitated by the petitioners before the court below was that the claim raised by the workman under the provisions of Section 33-C(2), would not apply, because since it being a part of the Central Legislature and if at all the workmen had any claim for the grant of revision of increased wages as enforced by the Wage Board recommendation, it could have been done by them only by invoking the provisions contained under Section 6(H)(2) of the U.P. Industrial Disputes Act.

They have parameteria provisions, which hold an employee to be entitled to receive an undisputed amount of service benefits, which can be determined by way of a monetary benefit and where no adjudication, as such is required. Hence, I am of the view that the basic spirit and purpose of the either of the provisions contained under the Industrial Disputes Act or that of the U.P. Industrial Disputes Act, as quoted

above do not differently intent to deal with any controversy except for an exception that the Labour Court, which is dealing with the matter, falling under the ambit of Section 33-C(2) of the Central Act or under Section 6-H(2) of the U.P. Industrial Disputes Act should have a territorial jurisdiction to decide the claim for the grant of benefit and particularly when it happens to be as a consequence of the enforcement of the recommendations made under the Wage Board recommendation under Section 3(b) of the Industrial Disputes Act.

This philosophy of a comparative scrutiny of the provisions contained under Section 33-C(2) of the Central Act in harmony with the provisions contained under Section 6-H(2) of the U.P. Industrial Disputes Act, in fact, for the enforcement of a right created by a statutory notification of revising the pay scale payable to the workman. Since the Act or Notification does not contemplate that the proceedings are to be drawn under a specific provisions of an Act itself, hence the implications of either of the provisions legislatively it intends to provide a functional benefit to a workman, who otherwise under the statue is entitled to receive the same and hence, the argument extended by the counsel for the petitioner to draw a distinction pertaining to the maintainability of the application itself will not be sustainable and hence, it is not accepted by this Court.

I am not in agreement with the principles, which has been sought to be extracted by the counsel for the petitioner, to be made applicable in the present case so far as the wages are concerned, because it is not in dispute that wages falls to be within the part of Schedule II of the Act, and since it is an admissibility of a monetary benefit to the workmen, which is being granted by the Notification of 21.08.2012 and later on by the revised notification of 29.12.2016; as it falls to be under Section 3(b) of the Act, it will be a claim which will be included under Schedule II, unlike the claim of bonus, as was the subject matter before the Hon'ble the Apex Court and hence I am of the view that since wages would be inclusive of the revision of wages also, which are made by the State; from time to time, it would be falling to be a part of Schedule II and would be enforceable by the provisions

contained under Section 33-C(2), as it has already been observed above that it is a parameteria provisions and legislative intent of both the provisions under Section 33-C(2) of the Industrial Disputes Act and for that purposes under Section 6H(2) of the U.P. Industrial Disputes Act since it has got common legislative intent of enforcement of an admissible due or a revised claim enforced by the State, the claim as determined by the learned Labour Court, would fall to be within the ambit of Section 33-C(2) and there is no apparent error committed by the Labour Court, as such by rendering the impugned award in favour of workman extending the benefit of revised wages as per Notification under Section 3(b) of the Act.

3. *In WPMS No. 2596 of 2020, Anand Goswami vs. State of Uttarakhand and others*, decided on 11.01.2021, the Hon'ble Court observed that at times, there arises occasions for the Court, where no latitude for forgiveness, could be extended at all, for all genuine causes and reasons, which the petitioner or his counsel might be having when it entails consideration of an act of concealment of a vital and critical fact, have a direct nexus and bearing.

Whereby, the Coordinate Bench of this Court, had already fixed 24 installments, which were directed to be remitted by the petitioner, in relation to the out standing loan, amount which was due to be paid by the petitioner, in pursuance to the recovery citation dated 20.04.2019, which was also issued against him and was challenged in the writ petition.

In the subsequent writ petition, which was preferred by the petitioner, whereby the modification was sought by the petitioner in relation to the recovery citation of 20.04.2019, was a prayer made and culled out and crafted, without disclosing the fact that the petitioner, has earlier approached before this Court by way of Writ Petition No.1316 of 2019 (M/S), as against the same recovery citation dated 20.04.2019. This fact of filing of an earlier writ petition and passing of the order dated 15.05.2019, as was passed by the Coordinate Bench of this Court of fixing the 24 installments payable by the petitioner, was a fact, which was not disclosed by the petitioner in the subsequent writ petition. As per opinion of this

Court, the said fact itself will amount to be a deliberate and intentional concealment of a material fact intended to mislead the Court, with a malicious intention to procure an order of modification of the recovery citation, in relation to which the Court had already earlier interfered and had already fixed 24 installments, by the judgment of 15.05.2019.

Concealment itself would be sufficient enough ground to dismiss the writ petition.

However, the counsel for the petitioner faced with such a situation had prayed that:-

- i. To permit her to file a supplementary affidavit, in the subsequent writ petition in order to enable her, to bring the fact on record of the filing of the earlier writ petition and the orders passed on it. At this stage, this Court is of the view that filling of a supplementary affidavit in a writ petition, is not granted as of a right and that too in the light and the circumstances of the present case; where the fact which was concealed was intended to be brought on record, was a fact which was well within the knowledge of the petitioner, when the second writ petition itself was filed on 29.12.2020, as he himself was the petitioner and signatory of the earlier writ petition. Hence, in order to overcome intent of deliberate concealment of fact to mislead the court, made in the subsequent writ petition, cannot be permitted to be rectified by granting permission to file supplementary affidavit. Hence, the same is denied.
- ii. The counsel for the petitioner had subsequently prayed that she may be permitted to withdraw the writ petition. Permitting to withdraw the writ petition, would yet again be a prayer, which is not available to the petitioner for the reason being this Court is of the view that that once the writ petition has been filed in the Registry; it becomes the property of the Court, and it cannot be permitted to be withdrawn at the wisdom or wanting of a party, or the choice of the counsel for the petitioner and that too particularly when it intends to overcome an act of concealment and not approaching the Court with clean hands, as has been made by the petitioner because the petitioner was

to face the consequences of concealment made by him by filing the second writ petition without disclosing the fact of filing an earlier writ petition and procurement of an earlier judgment.

- iii. Thirdly, learned counsel for the petitioner had submitted that the subsequent writ petition, was seeking the relief for the modification of the recovery citation of 20.04.2019. The prayer for modification taken as a pretext for filing a second writ petition, I am of the view is yet again a plea, which is not available, once where a challenge of recovery citation of 20.04.2019, was already crystallized and concluded on merits by an order of 15.05.2019, by fixing installments by this Court, there could not be a subsequent modification by way of a grant of writ of mandamus, in relation to the recovery citation, which was the subject matter of challenge in the earlier writ petition.

In that view of the matter itself the prayer as sought for, is declined. The writ petition is dismissed on the ground of concealment of material fact having direct bearing, and not coming with clean hands, subject to payment of cost of Rs.10,000/- to be deposited in the High Court Bar Association Advocates Welfare Fund.

ACTIVITIES OF SLSA FOR THE MONTH OF JANUARY, TO MARCH, 2021

FAREWELL OF HON'BLE EXECUTIVE CHAIRMAN



On being transfer of Hon'ble Mr. Justice Ravi Malimath, Hon'ble the Acting Chief Justice/Executive Chairman, Uttarakhand State Legal Services Authority from Hon'ble High Court of Uttarakhand to Hon'ble High Court of Himachal Pradesh, Uttarakhand State Legal Services Authority has bid farewell on 03.01.2021.

During the programme, Hon'ble Mr. Justice Sudhanshu Dhulia, Hon'ble Mr. Justice Manoj Kumar Tiwari, Hon'ble Mr. Justice Sharad Kumar Sharma, Hon'ble Mr. Justice Ravindra Maithani and Hon'ble Mr. Justice Alok Kumar Verma and Mr. S.N. Babulkar, Learned Advocate General made their benign presence.

Sh. R.K. Khulbey, Member Secretary, Uttarakhand SLSA, Sh. Dhananjay Chaturvedi, Registrar General, Hon'ble High Court of Uttarakhand along with Registrars of the Hon'ble High Court and Sh. Mohd. Yusuf, Officer on Special Duty, Uttarakhand SLSA were also present. The family members of Hon'ble Mr. Justice Ravi Malimath were also present.

MULTIPURPOSE LEGAL AWARENESS CAMP AT BETALGHAT



A Multi-Purpose Legal Literacy and Awareness camp was organized at Mini Stadium, Betalghat, District Nainital under the joint aegis of Uttarakhand State Legal Services Authority and District Legal Services Authority, Nainital on 07th March,

2021. The said programme was chaired by the Hon'ble Mr. Justice Manoj Kumar Tiwari, Hon'ble Executive Chairman, Uttarakhand SLSA.

His Lordship said that it is necessary for every citizen to be aware of their rights, only a conscious person can easily protect his/her rights. His Lordship further said that to make justice more simple, Legal Aid Help Lines, Websites including other media platforms have been created.

During the said Multi Purpose Camp, a total number of **696 persons/common mass** were benefited by providing them certificates of Widow Pension, Abandonment Pension, Old Age Pension, Divyang Pension, Kisaan Pension, National Family Benefit Scheme, Wheel Chairs, Walking Sticks, Hearing Aids, registration with Labour Department, Scholarship, Pradhanmatri Jan Dhan Yojna, BPL Certificates, MGNREGA Job Cards, Copy of the Family Registers, certificates were issued by the Revenue Department, Ration Cards were made online, distribution of Medicines, Ortho OPD, Sugar Test, Golden Cards, Aadhar Card Modification, Pradhanmantri Ujjwala Gas Form, Disability Certificate etc.

OBSERVATION OF “NATIONAL YOUTH DAY”



The birthday of Swami Vivekanand Ji i.e. 12th January 2021, was observed as National Youth Day by all District Legal Services Authorities of the State. The aim of the celebration is to honour the teachings and ideals of Swami Vivekanand and to wake up the eternal energy of the youths as well as to make the country developed.

OBSERVATION OF “WORLD DAY OF SOCIAL JUSTICE”



‘World Day of Social Justice’ was observed on 20th February, 2021 by the District Legal Services Authorities in the State of Uttarakhand. The main objective of celebrating World Day of Social Justice is to raise a voice against social injustice and to bring the various communities together to eliminate poverty, gender, and physical discrimination, illiteracy, religious discrimination to make a socially integrated society.

OBSERVATION OF “INTERNATIONAL WOMEN’S DAY”



महिला अधिकारों के दावे तो बहुत, लेकिन शैक्षिक स्तर आज भी चिन्ताजनक

एनडीए विधायी कार्यालय में महिला दिवस पर संघीय का आयोजन

आचार्यजी सुखराम

हरदोहा, उत्तरांचल प्रदेश के एनडीए विधायी कार्यालय में महिला दिवस पर संघीय का आयोजन हुआ। कार्यक्रम में एनडीए विधायी कार्यालय के अध्यक्ष आचार्यजी सुखराम ने महिलाओं के अधिकारों के दावे तो बहुत, लेकिन शैक्षिक स्तर आज भी चिन्ताजनक है, उन्होंने कहा। कार्यक्रम में एनडीए विधायी कार्यालय के अध्यक्ष आचार्यजी सुखराम ने महिलाओं के अधिकारों के दावे तो बहुत, लेकिन शैक्षिक स्तर आज भी चिन्ताजनक है, उन्होंने कहा।




On 08th March-2021, all District Legal Services Authorities of the State have organized Legal Awareness Programmes in order to celebrate ‘International Women’s Day’. During the day total 131 Legal Literacy Programmes were organized in Villages, Urban Areas and in Jails. In these programmes a total number of 7457 people were sensitized on the subject as Women Empowerment, Human Trafficking, Women’s Right, Compensation Scheme for Women Victims/Survivors of Sexual assault/other crimes and Uttarakhand Victims from Crime Assistance Scheme, 2013, Domestic Violence Act, POCSO Act, Fundamental Rights, PC & PNDT Act, Right to Property Act, Section 125 Cr.P.C., Beti Bachao Beti Padhao etc.

CELEBRATION OF “BHARAT KA AMRUT MAHOSTAV”



As per the e-mail No. L/09/2020/NALSA dated 09th March, 2021, received from NALSA, all the District Legal Services Authorities in the State were directed to organize Legal Literacy Programmes on 12th March, 2020 on the occasion of launching of ‘**Bharat Ka Amrut Mahostav**’ by the Central Government. DLSAs’ were also directed to identify the tribal community in need of Legal Aid/Advice including beneficial Govt. Welfare Schemes for tribal people and other problems & issues relating with Tribal Population. Every District Legal Services Authority organized Legal Awareness Programmes in the tribal area of the district.

During the programme people at large were informed about Grant for marriage of Tribal girls, Scholarship, Atal Awas Yojna, SC/ST (Prevention of Atrocities) Act including Free Legal Aid Services provided by the Legal Services Institutions in the State. During the programme Tribal Communities were informed about their legal rights. Participants were also informed about the Welfare Schemes run by the State/Central Government meant for tribal community. They were asked to communicate with PLVs, Panel Lawyers, for any kind of legal problem as faced by them.

**NOTIONAL INCOME IN MOTOR VEHICLE CLAIM CASES TO
BE TAKEN UP IN NATIONAL LOK ADALAT:**

A meeting through Video Conferencing Session was convened by Hon'ble Mr. Justice Manoj Kumar Tiwari, Hon'ble Executive Chairman, Uttarakhand State Legal Services Authority with the officers and representatives of Insurance Companies on 22.03.2021. In the said video conferencing, Hon'ble Mr. Justice Sharad Kumar Sharma, Judge, Hon'ble High Court of Uttarakhand, Hon'ble Mr. Justice N.S. Dhanik, Judge, Hon'ble High Court of Uttarakhand and Chairman, High Court Legal Services Committee, Nainital, Member Secretary, Uttarakhand State Legal Services Authority, Secretary, High Court Legal Services Committee, Nainital and Officer on Special Duty, Uttarakhand State Legal Services Authority were present.

Apart from this, the officers and representatives of the Insurance Companies were participated in the meeting through Video Conferencing.

In the said video conferencing session, notional income of skilled and un-skilled workers related to MAC cases to be taken in National Lok Adalat scheduled to be held on 10.04.2021 was fixed and determined. The chart of the said determined and fixed notional income is as under:-

(Shall be made effective in the upcoming National Lok Adalat Scheduled to be held on 10.04.2021)

(Applicable to all the Districts under the subordination of Hon'ble High Court of Uttarakhand including Hon'ble High Court of Uttarakhand)

Year	Income Per Month	
	Unskilled Labour Class	Skilled Labour Class [Mason, Mechanic, Tailor, Barber, Driver, etc.]
2010	4,400/-	6,000/-
2011	4,500/-	6,200/-
2012	4,600/-	6,400/-
2013	4,700/-	6,600/-

2014	4,800/-	6,800/-
2015	4,900/-	7,000/-
2016	5,000/-	7,200/-
2017	5,100/-	7,400/-
2018	5,200/-	7,600/-
2019	5,300/-	7,800/-
2020	5,400/-	8,000/-

TELE-LAW PROGRAMME:

Government of India is implementing a project titled 'Citizens Duties Awareness Programme (CDA). Focus areas of the project is to spread awareness about the Fundamental Duties amongst the masses throughout the country. During the period 01 programme was organized by the DLSA, Haridwar.

On 03rd February, 2021, **an Awareness Session/Webinar** was organized online under the Citizen's Duties Awareness Programme (CDAP). The said programme was also conducted through facebook live and telecasted through 'Swan Center' Collectrate, Haridwar in cooperation with e-District Manager, the said programme was connected with 20 selected Common Service Centers (CSC). Sh. Raman Kumar Saini was the resource person of the said programme. In the programme participants were sensitized on the theme '**Nothing Is More Important To Me Than My Child's Education**'. Approx 15-20 persons were present in every center during the programme.

LEGAL AID INFORMATION SYSTEM (LAIS) PORTAL



A Web Based Application (open source) namely **LEGAL AID INFORMATION SYSTEM (LAIS)** was developed to access services of legal aid and to monitor the activities, being carried out through legal aid easily and efficiently. The said ambitious web application aims to provide free legal aid to the needy people and other concerned stakeholders. Since the application was developed for State Legal Services Authority and the development and technical aspects are being handled by the Hon’ble High Court.

District wise pendency of the cases and other Data in the Online Portal (<https://uklegalaidservices.uk.gov.in/>) which is available for Panel Lawyers, PLVs for every needy/common mass is as under:

STATISTICAL INFORMATION
STATEMENT SHOWING THE PROGRESS OF LOK ADALATS HELD IN
THE STATE OF UTTARAKHAND
DURING THE PERIOD FROM JANUARY, 2021 TO MARCH, 2021

S. No.	Name of District	Total No. of Lok Adalats Held	Total No. of Cases Taken up	Total No. of Cases Disposed off	Compensation/ Settlement Amount	Realized As Fine (in Rs.)	Total No. of Persons Benefited in Lok Adalat
01	ALMORA	01	110	67	17,47,363	2,30,100	67
02	BAGESHWER	02	246	61	1,92,000	2,01,700	61
03	CHAMOLI	-	-	-	-	-	-
04	CHAMPAWAT	-	-	-	-	-	-
05	DEHRADUN	03	3507	1896	27,76,348	8,03,720	1906
06	HARDWAR	-	-	-	-	-	-
07	NAINITAL	02	5466	1568	22,09,302	5,42,900	1568
08	PAURI GARHWAL	-	-	-	-	-	-
09	PITHORAGARH	03	527	121	-	1,53,600	101
10	RUDRAPARYAG	-	-	-	-	-	-
11	TEHRI GARHWAL	-	-	-	-	-	-
12	UDHAM SINGH NAGAR	-	-	-	-	-	-
13	UTTARKASHI	-	-	-	-	-	-
14	HCSLC, NAINITAL	-	-	-	-	-	-
15	UKSLSA,NTL	-	-	-	-	-	-
	TOTAL :-	11	9856	3713	69,25,013	19,32,020	3703

**STATEMENT SHOWING THE PROGRESS OF CAMPS ORGANIZED IN
THE STATE OF UTTARAKHAND
FOR THE
PERIOD COMMENCING FROM JANUARY, 2021 TO MARCH, 2021**

S. No.	Name of District	No. of Camps Organized	Total No. of Persons Benefited in Camps
01	ALMORA	06	1750
02	BAGESHWER	62	1524
03	CHAMOLI	43	997
04	CHAMPAWAT	05	395
05	DEHRADUN	15	1590
06	HARDWAR	140	6638
07	NAINITAL	69	4791
08	PAURI GARHWAL	54	1943
09	PITHORAGARH	113	10865
10	RUDRAPARYAG	15	892
11	TEHRI GARHWAL	214	6126
12	UDHAM SINGH NAGAR	321	16562
13	UTTARKASHI	96	1809
14	HCLSC, NAINITAL	-	-
15	UKSLSA, NAINITAL	-	-
	Total	1153	55882

**STATEMENT SHOWING THE PROGRESS OF LEGAL AID AND
ADVICE/COUNSELING PROVIDED IN THE STATE OF UTTARAKHAND
FOR THE PERIOD COMMENCING FROM JANUARY, 2021 TO MARCH,
2021.**

S. No.	Name of District	No. of Persons Benefited through Legal Aid & Advice	
		Legal Aid	Legal Advice/ Counseling
01	ALMORA	22	01
02	BAGESHWER	06	-
03	CHAMOLI	09	01
04	CHAMPAWAT	04	-
05	DEHRADUN	144	01
06	HARDWAR	94	118
07	NAINITAL	76	102
08	PAURI GARHWAL	10	07
09	PITHORAGARH	18	-
10	RUDRAPARYAG	08	-
11	TEHRI GARHWAL	16	05
12	UDHAM SINGH NAGAR	88	43
13	UTTARKASHI	17	18
14	HCLSC, NAINITAL	24	-
15	U.K. S.L.S.A., N.T.L.	-	09
	TOTAL	536	205

STATISTICAL INFORMATION IN RESPECT OF PERMANENT LOK ADALATS

(Established U/S 22B of LSA Act)

(STATISTICAL INFORMATION FOR THE MONTH OF JANUARY 2021 TO MARCH, 2021)

- (i) No. of PLAs existing :- 07 (Almora, Dehradun, Haridwar, Nainital, Pauri Garhwal, Tehri Garhwal and U. S. Nagar)
 (ii) Total No. of PLAs functioning :- 04 (Dehradun, Haridwar, Nainital and U.S. Nagar)

S.N.	Permanent Lok Adalat	Number of Sittings	No. of cases pending as on 01.01.2021	No. of cases received during the Period	No. of cases settled during the period	Total Value/ Amount of Settlement (Rs.)
1	Dehradun	64	355	841	1079	67,67,799.79
2	Haridwar	15	17	02	03	50,000
3	Nainital	25	134	13	28	39,19,524
4	Udham Singh Nagar	09	159	18	34	-
	Total	113	665	874	1144	1,07,37,323.79

STATISTICAL INFORMATION IN RESPECT OF CASES SETTLED THROUGH MEDIATION

(STATISTICAL INFORMATION FOR THE MONTH OF JANUARY 2021 TO MARCH, 2021)

- (A) Total Number of ADR Centres : 04
 (B) Total No of Existing Mediation Centres other than ADR Centres : 16
 (C) Number of Mediators (Total of both in ADR Centres and Mediation Centres) : 101

DISPOSAL

S.N.	DESCRIPTION	TOTAL
A	No. of cases received during the month	217
B	Cases settled through Mediation	43
C	Cases returned as not settled	128
D	Non-starter cases which were returned as mediation could not commenced	11
E	No. of Connected cases	-
F	No. of Cases pending at the end of the month	342

**STATISTICAL INFORMATION IN RESPECT OF VICTIM
COMPENSATION SCHEME U/S 357 A Cr. PC**

(STATISTICAL INFORMATION FOR THE MONTH OF JANUARY 2021 TO MARCH, 2021)

No. of applications received directly by Legal Services Institutions (A)	No. of applications/orders marked/directed by any Court (B)	Total No. of applications received including Court orders (A+B)	No. of applications decided	No. of applications pending	Total Compensation Amount (Rs.)
06	25	31	24	43	74,89,500

**TRAINING PROGRAMMES HELD IN THE MONTH OF
JANUARY, 2021 TO MARCH, 2021
AT
UTTARAKHAND JUDICIAL AND LEGAL ACADEMY,
BHOWALI, NAINITAL.**



Foundation Training Programme for Newly Appointed Civil Judges (Junior Division) 2018 Batch
(III Phase) held from 31.12.2020 to 31.03.2021 (Three months)

INSTITUTION, DISPOSAL AND PENDENCY OF CASES**HIGH COURT OF UTTARAKHAND****(From 01.01.2021 to 31.03.2021)**

						Pendency (As on 01.01.2021)		
						Civil Cases	Criminal Cases	Total Pendency
						22958	14965	37923
Institution (01.01.2021 to 31.03.2021)			Disposal (01.01.2021 to 31.03.2021)			Pendency (As on 31.03.2021)		
Civil Cases	Criminal Cases	Total Institution	Civil Cases	Criminal Cases	Total Disposal	Civil Cases	Criminal Cases	Total Pendency at the end of 31.03.2021
2220	2511	4731	1665	1792	3457	23513	15684	39197

DISTRICT COURTS
(From 01.01.2021 to 31.03.2021)

SL. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 31.03.2021
		Opening Balance as on 01.01.21	Institution from 01.01.21 to 31.03.21	Disposal from 01.01.21 to 31.03.21	Pendency at the end of 31.03.21	Opening Balance as on 01.01.21	Institution from 01.01.21 to 31.03.21	Disposal from 01.01.21 to 31.03.21	Pendency at the end of 31.03.21	
1.	Almora	372	105	73	404	1117	1016	1003	1130	1534
2.	Bageshwar	165	62	52	175	467	336	369	434	609
3.	Chamoli	351	90	82	359	1028	455	556	927	1286
4.	Champawat	235	57	39	253	1568	776	785	1559	1812
5.	Dehradun	12562	2463	2765	12260	81678	23723	18236	87165	99425
6.	Haridwar	11220	1586	1310	11496	54450	11580	10432	55598	67094
7.	Nainital	2481	605	415	2671	19606	6026	5053	20579	23250
8.	Pauri Garhwal	1076	208	173	1111	4433	1961	1527	4867	5978
9.	Pithoragarh	539	111	99	551	2156	1354	1339	2171	2722
10.	Rudraprayag	126	74	68	132	763	511	433	841	973
11.	Tehri Garhwal	404	108	91	421	2756	1348	1279	2825	3246
12.	Udham Singh Nagar	5465	940	960	5445	42101	8757	5363	45495	50940
13.	Uttarkashi	552	125	115	562	1679	815	858	1636	2198
	Total	35548	6534	6242	35840	213802	58658	47233	225227	261067

FAMILY COURTS**(From 01.01.2021 to 31.03.2021)**

SL. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 31.03.2021
		Opening Balance as on 01.01.21	Institution from 01.01.21 to 31.03.21	Disposal from 01.01.21 to 31.03.21	Pendency at the end of 31.03.21	Opening Balance as on 01.01.21	Institution from 01.01.21 to 31.03.21	Disposal from 01.01.21 to 31.03.21	Pendency at the end of 31.03.2021	
1.	Almora	103	54	37	120	125	32	17	140	260
2.	Dehradun	2026	549	481	2094	1178	250	230	1198	3292
3.	Rishikesh	367	66	40	393	291	58	37	312	705
4.	Vikasnagar	170	79	71	178	276	52	51	277	455
5.	Nainital	276	48	53	271	377	62	29	410	681
6.	Haldwani	625	119	144	600	878	114	76	916	1516
7.	Haridwar	984	210	243	951	1028	192	128	1092	2043
8.	Roorkee	997	197	266	928	1059	125	81	1103	2031
9.	Laksar	156	61	79	138	175	43	41	177	315
10.	Kotdwar	272	65	86	251	423	54	93	384	635
11.	Pauri Garhwal	103	39	36	106	152	34	60	126	232
12.	Tehri Garhwal	91	51	42	100	55	16	11	60	160
13.	U.S.Nagar	592	200	214	578	651	113	138	626	1204
14.	Kashipur	600	144	181	563	570	101	134	537	1100
15.	Khatima	225	84	64	245	294	49	48	295	540
	Total	7587	1966	2037	7516	7532	1295	1174	7653	15169

TRANSFER OF THE JUDICIAL OFFICERS

Sl. No.	Name & Designation of the Officer	Place of Transfer	Date of Order
1.	Sri Pradeep Pant, District & Sessions Judge, Almora.	District & Sessions Judge, Dehradun.	30.01.2021
2.	Sri Malik Mazhar Sultan, Principal Judge, Family Court, Dehradun.	District & Sessions Judge, Almora	30.01.2021
3.	Sri Sundeep Kumar, Civil Judge (Sr. Div.), Tehri Garhwal	Joint Director, UJALA, Bhowali, District Nainital.	24.03.2021
4.	Ms. Ritika Semwal, Joint Director, UJALA, Bhowali, District Nainital.	Civil Judge (Sr. Div.), Tehri Garhwal.	24.03.2021
5.	Sri Bhupendra Singh Shah, Civil Judge (Jr. Div.), Narendra Nagar, District Tehri Garhwal.	Assistant Director, UJALA, Bhowali, District Nainital	24.03.2021

NOTIFICATIONS

HIGH COURT OF UTTARAKHAND NAINITAL

NOTIFICATION

No. 01/UHC/Admin.A/202

Dated: Jan.02, 2021

Smt. Sujata Singh, 1st Additional District & Sessions Judge, Dehradun is conferred with the powers to dispose of the administrative & financial matters of Dehradun judgeship, till further orders.

By Order of Hon'ble the Acting Chief Justice

HIGH COURT OF UTTARAKHAND AT NAINITAL

NOTIFICATION

No. 02/UHC/Admin.A/2021

Dated: January 02, 2021.

Sub: Relaxation in Enforcement of the High Court of Uttarakhand Rules, 2020.

Having considered the difficulties being faced by the litigants and the advocates in enforcement of the High Court of Uttarakhand Rules, 2020, in exercise of powers conferred by section 57 read with section 58 of the High Court of Uttarakhand Rules, 2020, Hon'ble the Acting Chief Justice is pleased to issue following relaxation for the convenient enforcement of the said rules:

1. The provisions of the High Court of Uttarakhand Rules, 2020 will remain in enforcement from date of their Notification *i.e.* 31.12.2020 and parties and advocates are impressed upon to follow

them.

2. However, till 20.02.2021, the existing rules of the procedure and practice may also be followed in the alternative.
3. On and from 21.02.2021, these relaxations will have no effect and provisions of the High Court of Uttarakhand Rules, 2020 shall alone be followed with strict compliance.

By Orders of Hon'ble the Acting Chief Justice

HIGH COURT OF UTTARAKHAND AT NAINITAL

NOTIFICATION

No. 03/UHC/Admin.A/2021

Dated: Nainital: January 07, 2021.

Hon'ble Shri Justice Raghvendra Singh Chauhan, has assumed charge of office of Chief Justice of the High Court of Uttarakhand on **January 07, 2021 at 11:40 A.M. vide Notification No. K. 13032/02/2020-US.I, dated 31.12.2020** issued by Government of India, Ministry of Law & Justice Department of Justice), New Delhi.

Registrar General

HIGH COURT OF UTTARAKHAND, AT NAINITAL

NOTIFICATION

No. 09 UHC/ADMIN. (A)/2021

Dated: January 27, 2021.

In exercise of the powers conferred by Article 225 of the Constitution of India and all the other powers enabling in that behalf, the High Court of

Uttarakhand hereby makes the following amendment in the High Court of Uttarakhand Rules, 2020-

Sl.No.	Existing Rule	Amended Rule
1	<p>5. Use of both sides of paper- All cases including petitions, memorandum of appeals, applications, affidavits, annexures, <i>vakalatnama</i> or any other material shall be type written on both sides of the paper with following side margins-</p> <p>(A) Top margin two centimetre</p> <p>(B) Bottom margin two centimetre</p> <p>(C) Left margin four centimetre</p>	<p>5. Use of paper- All cases including petitions, memorandum of appeals, applications, affidavits, annexures, <i>vakalatnama</i> or any other material shall be type written on one side of the paper with following side margins –</p> <p>(A) Top margin two centimetre</p> <p>(B) Bottom margin two centimetre</p> <p>(C) Left margin four centimetre</p> <p>(D) Right margin two</p>
2	<p>6. Font type and size- All cases including petitions, memorandum of appeals, applications, affidavits, <i>vakalatnama</i> or any other material shall be type written in New Times Roman font with font size 16 with 1.5 line spacing. For the headings, font size shall be 18 in the Times New Roman Font.</p>	<p>6. Font type and size- All cases including petitions, memorandum of appeals, applications, affidavits, <i>vakalatnama</i> or any other material shall be type written in New Times Roman font with font size 15 with 1.5 line spacing. For the headings, font size shall be 17 in the Times New Roman Font.</p>

3	<p>15. Every Presentation Form shall be filed in the manner that on its overleaf, it has a printed format for scrutiny report of the Registry, which is prescribed in schedule as 'Format No. 2'</p>	<p>15. In every case, Registry shall furnish its scrutiny report in the format, prescribed in schedule as 'Format No. 2'</p>
4	<p>19. The index shall be prepared and filed in such manner that at least ten rows, next to the last row filled up by the advocates, are also drawn and left blank for future use of Registry. For this purpose also, both sides of papers shall be used</p>	<p>19. The index shall be prepared and filed in such manner that at least ten rows, next to the last row filled up by the advocates, are also drawn and left blank for future use of Registry.</p>
5	<p>23. The Presentation Form, index, receipt of court fee and brief details of date and events of the case <i>etc.</i> shall be filed in following chronological order-</p> <ul style="list-style-type: none"> (A) Presentation Form with blank format for scrutiny report on its overleaf. (B) Index (C) Receipt of court fees paid (D) Brief details of date and events of the case (E) Other papers, if any, prior to the Petition, Memorandum of Appeal, Application <i>etc.</i> 	<p>23. The Presentation Form, index, receipt of court fee and brief details of date and events of the case <i>etc.</i> shall be in following chronological order-</p> <ul style="list-style-type: none"> (A) Scrutiny report (B) Presentation Form. (C) Index (D) Receipt of court fees paid (E) Brief details of date and events of the case (F) Other papers, if any, prior to the Petition, Memorandum of Appeal, Application <i>etc.</i>

These Amendments shall come into force with immediate effect.

By order of the Hon'ble Court

HIGH COURT OF UTTARAKHAND, AT NAINITAL

NOTIFICATION

No. 20/UHC/Admin.A/2021

Dated 20.02.2021

Having considered the difficulties being faced by the litigants and for the convenient enforcement of the High Court of Uttarakhand Rules, 2020, in exercise of powers conferred by rule 57 read with rule 58 of the said Rules, in partial modification of the Hon'ble Court Notification No. 02/UHC/Admin.A/2021 dated 02.01.2021, Hon'ble the Chief Justice is pleased to direct that till 15.03.2021, the rules of procedure and practice existing immediately before the High Court of Uttarakhand Rules, 2020 may also be followed in alternative to provisions of the said Rules, however on and from 16.03.2021, the High Court of Uttarakhand Rules, 2020 shall alone be followed.

By Orders of Hon'ble Chief Justice

HIGH COURT OF UTTARAKHAND, NAINITAL

NOTIFICATION

No. 25 /UHC/Admin. A/2021

Dated: March 09th, 2021

In exercise of the powers conferred by Article 225 of the Constitution of India and all other powers enabling in that behalf, Hon'ble Court has been pleased to make the following amendment in Rule 2 of Chapter III of High Court Rules, 1952 applicable to Uttarakhand under U.P. Reorganization Act, 2000.

AMENDMENT

Rule 2 of Chapter III be re-inserted as under:

Administrative Committees: (a) There shall be as many Administrative Committees, as may be prescribed by the Chief Justice.

- (b) The composition and the term of Administrative Committees, shall be as prescribed by the Chief Justice.
- (c) In case of absence of any member of the Administrative Committee for whatever reasons, a new member may be appointed by the Chief Justice.
- (d) These Committees shall discharge such function, as may be allocated by the Chief Justice.
- (e) If a member of the Administrative Committee is temporarily absent, business assigned to the Committee may be transacted by the remaining members or another member may be appointed by the Chief Justice.
- (f) The Administrative Committees shall meet at least once in a month. However, it is open for the Chairperson of the Administrative Committee to call a meeting at any time.
- (g) The Rule 4 of Chapter III, which provides for Allocation of administrative work, shall deem to be modified in accordance with the work allocated to the Administrative Committees.

This amendment will come into force with immediate effect.

By order of the Court

HIGH COURT OF UTTARAKHAND AT NAINITAL
NOTIFICATION

No. 33/UHC/Admin. A (Recruitment Cell)/2021; Dated: 16 March, 2021.

In compliance of the Judgment, passed by Hon'ble Supreme Court of India, in Civil Appeal No. 1867 of 2006, "Malik Mazhar Sultan and Another Vs. U.P. Public Service Commission and Others", the High Court of Uttarakhand has determined vacancies (including vacancies likely to occur within one year) in Higher Judicial Service cadre, to be filled through different sources for the year 2021; the details thereof are as under:

Sr.	Quota (As per the Rules)	Vacant posts
1.	Promotion from the cadre of Civil Judge (Senior Division) on the principle of merit- cum-seniority (65% of the total cadre strength).	05
2.	Promotion from the cadre of Civil Judge (Senior Division) through limited competitive examination (10% of the total cadre strength).	02
3.	Direct recruitment from the eligible Advocates (25% of the total cadre strength).	02 [01 General (women) & 01 EWS]

Registrar General

HIGH COURT OF UTTARAKHAND
NAINITAL

NOTIFICATION

No.36/UHC/Admin.A/2021

Dated: March 18, 2021

Shri Sujeet Kumar, Judge, Family Court, Kotdwar, District Pauri Garhwal is given additional charge of office of the Additional District & Sessions Judge, Kotdwar, District Pauri Garhwal, until Ms. Pratibha Tiwari, Additional District Judges, Kotdwar, District Pauri Garhwal resumes her duties after availing maternity leave.

By Order of Hon'ble the Chief Justice

HIGH COURT OF UTTARAKHAND
NAINITAL

NOTIFICATION

No.43/UHC/Stationery/2021

Dated: March 24, 2021

The Hon'ble High Court of Uttarakhand has been pleased to declare 30.03.2021 (Tuesday) as holiday for the High Court of Uttarakhand on account of Holi.

By Order of the Hon'ble Court

CIRCULARS

C.L. No. 01/UHC/Admin.A/2021 dated January 15, 2021

From:

Registrar General,
High Court of Uttarakhand,
Nainital.

To,

1. All the District Judges, Subordinate to High Court of Uttarakhand.
2. Principal Judge/ Judges, Family Courts, State of Uttarakhand.
3. Secretary Law-cum-L.R., Government of Uttarakhand, Dehradun.
4. Principal Secretary, Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
5. Director, Uttarakhand Judicial & Legal Academy, Bhowali, District Nainital.
6. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Hardwar Road, Dehradun.
7. Chairman, State Transport Appellate Tribunal, 3/5 A, Race Course, Near Rinku Medicose, Dehradun.
8. Legal Advisor to Hon'ble the Governor, Rajbhawan, Dehradun.
9. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun.
10. Registrar, State Consumer Redressal Commission, House No. 176, Ajabpur Kalan, Near Spring Hills School, Mothrowala Road, Dehradun, 248415.
11. Member-Secretary, Uttarakhand State Legal Services Authority, Nainital.
12. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
13. Presiding Officer, Labour Courts, Dehradun, Hardwar and Kashipur, District Udham Singh Nagar.
14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun and Haldwani (Nainital).
15. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
16. Chairman, Uttarakhand Co-operative Tribunal, Dehradun.
17. Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun.
18. Chairman, Permanent Lok Adalat, Dehradun, Hardwar, Nainital and Udham Singh Nagar.
19. Addl. Secretary (Law), Uttarakhand Public Service Commission, Hardwar.

C.L. No. 01/UHC/Admin.A/2021

Dated: Jan.15, 2021.

Subject: Regarding strict compliance of Circular Letter No. 05/UHC/Admin.A/2020 dated 30.06.2020.

Sir/Madam,

In continuation of the Court's C.L. No. 05/UHC/Admin.A/2020 dated 30.06.2020, whereby, comprehensive guidelines and directions were issued for various types of Leave. I am directed to say that it has come to the notice of the Hon'ble Court that the said directions are not being followed by the Judicial Officers, in terms of submission of applications for leave well in advance, for leaving the station without

Page 01 of 02

C.L. No. 01/UHC/Admin.A/2021 dated January 15, 2021

sanctioning leave/station leave and submission of leave applications on the formats as prescribed by the aforesaid Circular. The Hon'ble Court has taken a serious note of this.

In this regard, I am also directed to inform that, henceforth, Judicial Officers are directed to ensure strict compliance of the above Circular Letter. Applications by the Judicial Officers for sanctioning of earned leave etc. should be submitted at least 20 days and applications for station leave and casual leaves should be submitted at least 07days, prior to the commencement of leave, except in emergency. The Judicial Officers should not avail leave unless sanctioned by the High Court.

If, leave application are not submitted in compliance of C.L. No. 05/UHC/Admin.A/2020 dated 30.06.2020, leave applications will be deemed to be rejected. Therefore, officer concerned has to stay at his/her station. Any deviation on the part of the officer will be liable for disciplinary action.

You are, therefore, requested to bring the above directions of the Hon'ble Court to the notice of all the Judicial Officers for strict compliance.

From:

Registrar General,
High Court of Uttarakhand,
Nainital.

To,

1. All the District Judges, Subordinate to High Court of Uttarakhand.
2. Principal Judge/ Judges, Family Courts, State of Uttarakhand.
3. Secretary Law-cum-L.R., Government of Uttarakhand, Dehradun.
4. Principal Secretary, Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
5. Director, Uttarakhand Judicial & Legal Academy, Bhowali, District Nainital.
6. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Hardwar Road, Dehradun.
7. Chairman, State Transport Appellate Tribunal, 3/5 A, Race Course, Near Rinku Medicose, Dehradun.
8. Legal Advisor to Hon'ble the Governor, Rajbhawan, Dehradun.
9. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun.
10. Registrar, State Consumer Redressal Commission, House No. 176, Ajabpur Kalan, Near Spring Hills School, Mothrowala Road, Dehradun, 248415.
11. Member-Secretary, Uttarakhand State Legal Services Authority, Nainital.
12. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
13. Presiding Officer, Labour Courts, Dehradun, Hardwar and Kashipur, District Udham Singh Nagar.
14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun and Haldwani (Nainital).
15. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
16. Chairman, Uttarakhand Co-operative Tribunal, Dehradun.
17. Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun.
18. Chairman, Permanent Lok Adalat, Dehradun, Hardwar, Nainital and Udham Singh Nagar.
19. Legal Advisor to Uttarakhand Public Service Commission, Hardwar.

C.L. No. 02/UHC/Admin.A/2013

Dated: Feb. 19, 2021.

Subject: Nomination of Administrative Judge(s).

Sir/Madam,

In supersession of earlier Circular Letters on the subject noted above, I am directed to inform that Hon'ble the Chief Justice is pleased to nominate the following Hon'ble Judges as the Administrative Judge Incharge of the District(s) shown against their names in the list given below with immediate effect.

- | | |
|--|----------------------------------|
| 1. Hon'ble Mr. Justice Manoj Kumar Tiwari | : Dehradun, Chamoli & Champawat. |
| 2. Hon'ble Mr. Justice Sharad Kumar Sharma | : Hardwar & Tehri Garhwal. |
| 3. Hon'ble Mr. Justice Narayan Singh Dhanik | : U.S. Nagar & Pithoragarh. |
| 4. Hon'ble Mr. Justice Ramesh Chandra Khulbe | : Nainital & Rudraprayag. |
| 5. Hon'ble Mr. Justice Ravindra Maithani | : Pauri Garhwal & Uttarkashi. |
| 6. Hon'ble Mr. Justice Alok Kumar Verma | : Almora & Bageshwar. |

You are therefore, informed accordingly.

From:

Registrar General,
High Court of Uttarakhand,
Nainital.

To,

1. All the District Judges, Subordinate to High Court of Uttarakhand.
2. Principal Judge/ Judges, Family Courts, State of Uttarakhand.
3. Secretary, Law-cum-L.R., Government of Uttarakhand, Dehradun.
4. Principal Secretary, Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
5. Director, Uttarakhand Judicial And Legal Academy, Bhowali, District Nainital.
6. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Haridwar Road, Dehradun.
7. Chairman, State Transport Appellate Tribunal, 3/5 A, Race Course, Near Rinku Medicose, Dehradun.
8. Legal Advisor to Hon'ble the Governor, Rajbhawan, Dehradun.
9. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun..
10. Registrar, State Consumer Disputes Redressal Commission, House No. 176, Ajabpur Kalan, Near Spring Hills School, Mothrowala Road, Dehradun, 248415.
11. Member-Secretary, Uttarakhand State Legal Services Authority, Nainital.
12. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
13. Presiding Officer, Labour Courts, Dehradun, Haridwar and Kashipur, District Udham Singh Nagar.
14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun and Haldwani, (Nainital).
15. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
16. Chairman, Uttarakhand Co-operative Tribunal, Dehradun.
17. Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun.
18. Chairman, Permanent Lok Adalat, Dehradun, Haridwar, Nainital and Udham Singh Nagar.
19. Legal Advisor to Uttarakhand Public Service Commission, Haridwar.

C.L. No. 03 /UHC/Admin.A/2021

Dated: March 19th, 2021

Subject: Standard Operating Procedure (SOP) related to Subordinate Courts of the State for Circulation of Notifications/ Circular Letters etc. in Digital Format

Sir,

Apropos, the subject noted above, I am directed to inform that Hon'ble Court has been pleased to issue following directions with regard to SOP for circulation of Notifications/Circular Letters etc in Digital format.

1. Only a soft copy of the Official Correspondence issued by the Hon'ble Court like Notifications, Circular Letters, Office Memorandums etc shall be circulated to all the Judicial Officers in the State on their official email(s). Once such official correspondence is sent to the email(s) of the Judicial Officers, the correspondence shall deemed to be delivered to every such Judicial Officer and be in her/his notice. Every Judicial Officer shall ensure that her/his official email account is up-to-date in all aspect and they shall ensure checking their email account on daily basis.
2. A soft copy of the Official Correspondence as mentioned above shall also be sent to the Official email account of all the District Judgeships/Family Court/Tribunals/Department of Justice, Government of

C.I. No. 03/UHC/Admin.A/2021
Dated: March 19th, 2021

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Uttarakhand, State Legal Services Authority, District Legal Services Authority, Uttarakhand Judicial and Legal Academy, Officers on Deputation etc.


3. Once such document is received on the official email of the District Judgeships/Family Court/Tribunals/Department of Justice, Government of Uttarakhand/State Legal Services Authority/District Legal Services Authority/Uttarakhand Judicial and Legal Academy/Officers on Deputation, one single hard copy of the correspondence will be retrieved and placed before the concerned District Judge/Family Court Judge/ Presiding Officer of the Tribunal/ Secretary, Justice and Legal Remembrancer/Member Secretary/Chairman/Director/Officer on Deputation etc by the Senior Administrative Officer/Administrative Officer for the purpose of maintenance/ preservation in the Guard File of the Administrative Office concerned.
4. As far as maintenance of hard copies of such notifications etc is concerned, only a single hard copy shall be maintained in the Guard File of the concerned Administrative offices.
5. Likewise, where there are Outlying Courts, a single hard copy of such notifications etc shall be maintained in the Outline Court Compound, which shall be maintained in the Guard File of Deputy Nazarat (where existing) or in the office the Senior most Court/Judicial Officer posted in the Outlying court (where there is more than one Court). The concerned Senior Administrative Officer (SAO) or the Administrative Officer shall ensure circulation of a hard copy version of such official correspondence after necessary endorsement by the concerned District Judge to the Deputy Nazarat (where existing) or to the Office of the Senior most Court/Judicial Officer posted in the Outlying Courts.
6. Where a hard copy of such Official correspondence is to be circulated as above, the SAO of the District Judgeship shall ensure that only one hard copy of such document is send to the Outlying courts, whatsoever may be the number of Courts one particular Outlying campus/compound, and that the hard copy is send to the senior most court in the outline, where there are more than one court in the Outline campus/compound.
7. Every Judicial Officer/Presiding Officer/Officer concerned shall maintain a digitized versions/soft copy of Official correspondence to be hereinafter communicated/send to her/his email in her/his Official or the personal laptop/computers (in case no official laptop has been provided so far). Digitized versions/soft copies of all such official documents shall also be maintained in the official computers of the Court Readers and the office of every Court. Later on arrangements shall be made to store the soft/digital copies of such documents in the local servers of Court campuses.

C.I. No. 03/UHC/Admin.A/2021
Dated: March 19th, 2021

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Aforesaid directions of the Hon'ble Court are being communicated for information, circulation amongst all concerned for strict compliance.

Guidelines issued by the High Court to the Subordinate Courts to resume the normal physical Judicial work



From, Registrar General
High Court of Uttarakhand
Nainital

To, All the District & Sessions Judges,
Principal Judge/Judge, Family Courts,
Special Courts (FTSCs)
State Judiciary Uttarakhand

No. 475 UHC/Admin.B/Corona-19 Dated: 01st Feb, 2021

Subject: - Guidelines to resume the normal physical judicial-work in the Subordinate Courts.

Madam/Sir,

With regard to the subject cited above, it has come to the knowledge of Hon'ble Court that the guidelines issued vide this office letter no. 5798 dated 31.12.2020, are not being followed properly by some of the Judgeships/Family Courts.

Since, threat of COVID-19 pandemic is not over yet, it is very important to take all precautionary measures in order to prevent/contain the spread of pandemic. Therefore, in continuation of this office letter no. 5798 dated 31.12.2020, I am directed to communicate the following guidelines to be implemented strictly in your respective Judgeships/Family Courts:

1. A plastic - partition will be there between the Judge and Advocates & litigants in each Court.
2. "No mask, no entry" board, will be there, at each entry gate.
3. Arrangements of Foot sanitizer outside every Court Room and the Staff Rooms.
4. Entry will be prohibited in the Court Rooms for all, except the advocates and litigants whose cases are fixed for hearing. Proper sitting arrangement for others, keeping social/physical distancing in mind, outside the Court Rooms.
5. Steps will be taken to fumigate the Court-Premises and files also.



6. There will be an arrangement of extra masks at the Bar, so that the Advocates/ litigants may also use them. If they come without wearing mask, entry will be prohibited.
7. Proper arrangements of surgical gloves and sanitizer for Judicial Officers/Staff.
8. Use of Drop-Boxes for keeping papers/documents, to be filed. The box will be opened after 24 hours, only then applications will be processed, excluding urgent applications viz. Bail application, Acceptance of personal and sureties bonds and other matters, as concerned Court deems fit, which can be heard on the same day, on which it is filed.

You are also requested to work in coordination with the concerned District Magistrate to follow the SOP/guidelines.

You are, therefore, requested to do the needful.

**Proceedings of Transfer of Hon'ble Mr. Justice Ravi Malimath,
Acting Chief Justice, High Court of Uttarakhand.**

A bid farewell held on 04-01-2021

In

The Court of the Chief Justice

At 03.30 P.M.

Order of address

- **Sri S.N. Babulkar, Advocate General, State of Uttarakhand.**
- **Sri Pooran Singh Bisht, President of the High Court Bar Association, Nainital, Uttarakhand.**
- **Hon'ble Mr. Justice Sudhanshu Dhulia, Judge, High Court of Uttarakhand.**
- **Hon'ble Shri Justice Ravi Malimath, Acting Chief Justice, High Court of Uttarakhand.**

❖ **ADDRESS BY MR. S.N. BABULKAR, ADVOCATE GENERAL HIGH COURT OF UTTARAKHAND**

We have assembled here to bid a farewell to Hon'ble the Acting Chief Justice Mr. Ravi Malimath on his transfer as a Judge to Himachal High Court.

His Lordship Mr. Ravi Malimath was born on 25th May, 1962. His Lordship enrolled as an Advocate on 28th January, 1987 at Bangalore and practiced in Constitutional, Civil, Criminal, Labour, Service sides at Karnataka High Court,

Bangalore. His Lordship appointed as an Additional Judge of the High Court of Karnataka on 18th February, 2008 and permanent Judge on 17th February, 2010. His Lordship was then transferred to the High Court of Uttarakhand and assumed office of Senior Judge of High Court of Uttarakhand on 5th March, 2020 and on 28th July, 2020, his Lordship appointed as Acting Chief Justice of High Court of Uttarakhand.

As a head of this family, His Lordship's magnetic personality has swayed everyone having found his Lordship besides, being a kind hearted person, a disciplined hard worker, a brilliant and just judge, a positive thinker, academician and a great orator and among them all a wonderful Coordinator and Administrator.

Sir, undoubtedly your multifaceted personality has left indelible stamp on our heard, which we will cherish as a souvenir lifelong. Sir, we wish you and your family a very good health and every success in life. But since we belong to this land which is abode of God and since this is a part of our cherished culture that whenever our beloved gets separated, we pray almighty to make his path free from all trouble. I also accomplish this tradition by reiterating a Vedic aphorism, जीवेम शरदः शतम् ।

Thanking you,

❖ **ADDRESS BY MR. P.S. BISHT, PRESIDENT, HIGH COURT BAR ASSOCIATION UTTARAKHAND**

Hon'ble Acting Chief Justice Ravi Vijay Kumar Malimath, Hon'ble Senior Judge, Sudhanshu Dhulia, Hon'ble Justice Lok Pal Singh, Hon'ble Justice Manoj Kumar Tiwari, Hon'ble Justice Sharad Kumar Sharma, Hon'ble Justice Narain

Singh Dhanik, Hon'ble Justice Ramesh Chandra Khulbey, Hon'ble Justice Alok Verma, learned Advocate General, learned Senior Advocates, learned Assistant Solicitor Government of India, learned Registrar General, learned Members of the Bar and Registry, Ladies and Gentleman.

Today, we have gathered here to bid farewell to our beloved Justice Shri Ravi Malimath Ji, Hon'ble Justice Ravi Vijay Kumar Malimath, born on 25.05.1962, enrolled as an Advocate on 28.01.1987 at Bangalore practiced in Constitutional, Civil, Criminal, Labour, Service mainly at Karnataka High Court, Bangalore, was elevated as an Additional Judge, High Court of Karnataka on 18.02.2008 and confirmed as permanent judge on 17.02.2010 and then came the auspicious day of 5th March, 2020, when your honour assumed office of a judge of this High Court. His lordship has also appointed as Acting Chief Justice of High Court of Uttarakhand on 28.07.2020.

We had all that curiosity as is bound to be there in welcoming any judge from any other High Court to our High Court and it was well proved by your honour in few moths and his aim being very clean that framed/issued Uttarakhand High Court Rule recently certain changes also there in the interest of litigant as well as in the interest of justice, the Member of the High Court Bar Association also feel good. After receiving information for new High Court Rule of Uttarakhand. The Member of High Court Bar Association also appreciating.

I can say without any hesitation that lordship is a God fearing man and always helped to member of Bar Association.

Ten months of span cannot be said to be a long period in any legal history but these ten months can be said to be golden period of our High Court undoubtedly Lordship decided about 4679 (Four Thousand Six Hundred Seventy Nine) cases in said tenure.

We will ever remain indebted for his support for lawyers in general and will hope that he will ever remain present as big brother/guardian to us, wherever he performs his duty. Our heartiest best wishes are and will always with him and the High Court Bar Association wants to see him as Chief Justice and further as a Supreme Court Judge in future. I wish him again the very best for his tenure on behalf of each and every member of High Court Bar Association and their staff.

May the choicest blessings of the almighty be showered on him and all his family members for more happy and healthy life and he is always welcome here as being part of our High Court.

Thank you and very best wishes.

❖ **ADDRESS BY HON'BLE MR. JUSTICE SUDHANSHU DHULIA**

My Lord, Justice Ravi Malimath, the Acting Chief Justice of Uttarakhand High Court, my esteemed Brother Judges of the High Court, the learned Advocate General of the State Sri S.N. Babulkar, the learned Government Advocate Sri G.S. Sandhu, the learned Chief Standing Counsel of the State Sri C.S. Rawat, Senior Advocates of the Bar, Members of the High Court Bar, Members of the Registry, Dignitaries in the Assembly, including all the family members of Justice Malimath and family members of our fraternity.

Life is unpredictable and life is ever changing. Every change has a purpose. And with that in mind we have assembled here today for this farewell reference.

Justice Malimath was born on May 25, 1962. After being enrolled as an advocate in the year 1987 he practised mainly in the Karnataka High Court, at Bengaluru. His practice was spread on the Constitutional, Civil, Criminal & Labour matters. He was appointed as an Additional Judge of the High Court of Karnataka on 18.02.2008 and was made a permanent Judge on 17.02.2010. He was

transferred to Uttarakhand High Court and assumed office of the Judge of Uttarakhand High Court on 05.03.2020, and took charge as the Acting Chief Justice of this Court on 28.07.2020.

Justice Malimath is leaving us today as he has been transferred to Himachal Pradesh High Court. We all wish him and his family a very happy, purposeful and satisfying future at Himachal Pradesh.

Justice Malimath has been with us for exactly 10 months now, out of which, a little over five months he has been our Acting Chief Justice. This period of about 5 months, will be known as the period when a great many procedural and other reforms were implemented for the High Court, as well as for the District Courts. And this has happened inspite of the severe restrictions on our work due to Covid-19 pandemic.

These major changes include the new "Rules of the Court", which have already been notified. These Rules have been framed keeping the specific requirements of Uttarakhand in mind.

There was a very genuine request of the Bar which was the publication of Cause List in time by 5 P.M., for the next day. This has again been done and Cause List is now issued before 5 P.M. every day.

Many other procedures have been eased and simplified. For example, payment of Court Fee can now be made through e-Payment. We always had a Vacation Court during the winter recess. Now we will have a Vacation Judge in the High Court even for the short vacations.

For the District Courts, it was felt for a long time that the General Rules (Civil) as well as General Rules (Criminal) need amendment. A Committee has already been constituted for this purpose which will suggest what amendments need to be carried out.

Similarly like for the High Court, the procedure in the district courts, both for the Civil as well as Criminal jurisdiction has been simplified, whatever could be done without the amendment of the Rules. So many changes in such a few months become possible as these ideas were steered under the leadership of the Acting Chief Justice Ravi Malimath.

I believe this quality of reforming the system, Justice Malimath has inherited from his esteemed father Late Sri V.S. Malimath, who was the Chief Justice of Karnataka and Kerala High Court. He has the Chairman of the "Committee on Reforms of Criminal Justice System in India", gave the valuable reports in the year 2003, which is more popularly known as the "Malimath Committee Reforms". Many of the recommendation of this Reform were later incorporated as law, such as, "plea bargaining" in Criminal Procedure Code. Justice Ravi Malimath carries the same zeal and we were very fortunate that he was with us. Our only regret is that it was too short.

I on my own behalf and on behalf of all my brother Judges wish you very bright and successful future. You have a long way to go Sir, and I am sure wherever you will serve, you will always be having the blessings of the "DevBhoorni", which you have served with diligence sincerity and dignity.

❖ **ADDRESS BY HON'BLE SHRI JUSTICE RAVI MALIMATH
ACTING CHIEF JUSTICE ON 04.01 2021**

My esteemed brother Judges, Shri S. N. Babulkar, Advocate General, State of Uttarakhand, Shri P.S. Bisht, President of the Uttarakhand High Court Bar Association, Registrar General and other Registrars of this Court, learned members of the Bar, spouses of the Hon'ble Judges, ladies and gentlemen.

At the outset, I'm grateful to the learned Advocate General and the President of the Uttarakhand High Court Bar Association for the kind words that they have spoken about me. They have been lavish in conveying their gracious words of appreciation I thank them for it. I deeply thank my Lord Justice Sudhanshu Dhulia for saying all good words about me and my father.

I took oath as a Judge of this Court on the 05th of March, 2020. Towards the end of March, we were hit by the pandemic and the courts had to be closed. The Courts were partially re-opened subsequently. I assumed charge as the Acting Chief Justice w.e.f. the 28th of July, 2020. I had envisioned many plans for the courts at Uttarakhand. Some of them have already borne fruit and the rest are in the pipeline. Having felt the necessity of modifying the procedures of the Court, a High Powered Committee consisting of Judges of this Court was formulated as the High Court Advisory Committee and a similar committee was constituted for the trial court, namely, the Trial Court Advisory Committee. We have brainstormed in these committees and have adopted a number of resolutions for the betterment of the courts of the State of Uttarakhand. So far as the High Court is concerned, I will briefly touch upon some of the resolutions that have been adopted:-

"1. The procedures adopted in the High Court of Uttarahand were governed by the Allahabad High Court Rules, 1952. It was, therefore, imperative that for the High Court of Uttarakhand, which was established in the year 2000, specific rules must be framed to meet the specific requirements of this High Court. In this regard, the High Court of Uttarakhand Rules have been promulgated and have already been notified. So also, various rules pertaining to the different jurisdictions are being prepared, such as writ proceeding rules, contempt rules, civil procedure rules, criminal procedure rules, etc.

2. The constant complaint of the Bar was that the cause-list was being issued belatedly. In order to address this problem, various procedures have been adopted to ensure that the daily cause-list is issued on or before 05:00 p.m. every day. I am very glad to inform you that from the 28th of December, 2020, the cause-list is being published by 05:00p.m.

3. The format of the interlocutory applications has been regulated in order to assist the Bar while reducing the complexities involved.

4. In order to ease the manner of filing of cases, procedures have been adopted, including, introduction of a specific presentation and indexing form to benefit the Advocates.

5. There has always been a complaint that the records are received belatedly from the trial courts. The same leads to delays in disposal of cases by the appellate court. Therefore, measures have been adopted to procure the entire records in the PDF Format. This would mean that the PDF Format of the records can be summoned by the appellate court as early as possible. However, in a given case, as ordered by the court, the original records may still be procured.

6. Yet another significant development is with regard to the vacation judges. In the present system, there is no vacation court during the summer vacation, which lasts for about a week, or other vacations of a similar period. Therefore, it has been resolved that, whenever the court is closed for a period of one week, a vacation court will be constituted to attend to the urgent matters. Furthermore, Rule 10 of Chapter V of the Rules of the Court, 1952 have been amended, which will also include consideration of urgent civil matters during the vacation.

7. Payment of court fees shall be made only by e-payment, which will assist the lawyers, especially in times of COVID.

8. A considerable amount of time of the Registry and the lawyers is spent with regard to matters pertaining to defective cases. Therefore, a rule has been created that all defective matters will be placed before the Registrar (Judicial) for consideration. Only after the defects are cleared, would the matter be listed before the court. However, in matters of urgency, the matter can be taken-up for consideration based on the orders of the court.

9. The paper size, font size, etc. have been prescribed, which will assist in a more efficient dealing of the cases.

10. It was the constant complaint of the Bar that the names of all the parties are not to be found in the final order that is passed. Therefore, it has been resolved that, hereinafter, the final judgment will contain the list of all the parties to the litigation.

11. Criminal appeals, depending on their jurisdiction and arising out of the very same order of the Sessions Court, are listed either before the learned Single Judge or before the Division Bench. It has been resolved that,

whenever appeals are filed against a common order of the Sessions Court, all such appeals will be heard only by the Division Bench.

12. Presently, there are only two connections of SCC online in the entire High Court of Uttarakhand. Keeping in mind the necessity to keep oneself abreast with the latest developments in law, it has been resolved that all sitting Judges of the High Court of Uttarakhand will be provided with SCC online.

13. Urgency applications have become a very contentious issue. The learned members of the bar feel that it is necessary to file urgency applications to get the matter listed. At times, the applications are not listed and remain pending for a long period of time. Therefore, it was resolved that the practice of filing an application for urgency be dispensed with. Instead the learned counsels are required to mention the matter before the concerned Court pleading for the urgency involved. In case the Hon'ble Court accepts the urgency, the matter will be directed to be listed accordingly. By this process, the urgent requirement of the bar is taken care of and the urgencies will be attended to at the earliest point of time.

14. Keeping in mind the important role played by an amicus curiae, it was rather surprising that the fees being paid was very minimal. Therefore, approval of the Government was sought for and the fees to be paid to an amicus curiae has been enhanced from Rs. 5,000/- to 10,000/- the Division Bench matters and from Rs. 3,000/- to Rs. 7,500/- for the Single Bench matters."

So far as the Trial Courts are concerned, some of the crucial resolutions that have been passed are as follows:-

- " 1. The procedural laws, in terms of the provisions of the General Rules (Civil) 1957 and the General Rules (Criminal) 1977, are required to be modified and updated to suit the present day requirements. Therefore, a Committee has been constituted to suggest amendments to the same.*
- 2. The pecuniary jurisdiction of the Civil Judge (Junior Division) is proposed to be enhanced from the existing Rs. 1 lakh to Rs. 3 lakh.*
- 3. The pecuniary jurisdiction of the District Judge is proposed to be enhanced from the existing Rs. 5 lakh to Rs. 15 lakh.*
- 4. The appellate jurisdiction of the High Court is proposed to be enhanced from the existing Rs. 5 lakh to Rs. 15 lakh.*
- 5. Keeping in mind the variations in the format of the judgments of the trial courts, draft judgments on the civil and the criminal side are sought to be created to assist the trial judges in the same.*
- 6. Keeping in mind the fact that even after an order of bail has been granted, the accused are not released due to the delay in verification of the sureties, a Committee is constituted to address this issue.*
- 7. A Committee has been constituted to amend the existing rules in order to provide domestic help to the judges of the subordinate judiciary.*
- 8. Basic amenities such as drinking water, providing toilets to the litigants in the court premises, cleaning of the toilets, and facilities for the disabled, have all been taken into consideration and necessary actions have already been undertaken.*
- 9. The quality and size of the paper as well as the style of the printing has been prescribed in order to lessen the burden on the environment by reducing the wastage of paper. Draft recommendations have been made towards the same.*

10. It was found that the methodology of preparation of the confidential records of the judicial officers does not reflect the true state of affairs. Therefore, in order to modify the same and to ensure that the assessment of a judicial officer is done properly a Committee has been constituted for the said purpose.

11. It was brought to my attention that the district courts in Uttarakhand do not have access to legal databases. Therefore, it was resolved that henceforth, each court complex will be provided with one SCC Online so that the Judges are up to date with the latest judgments."

In addition to the above, in order to ensure continuous monitoring of the COVID situation vis-vis the courts, committees were formed in each district of Uttarakhand. Through these committees, the High Court has been regularly reviewing the COVID situation, including the modalities of reopening of courts. I am happy to state that the committees have been functioning effectively and we have managed to substantially control the pandemic thus far.

Since the onset of the pandemic, virtual hearings are being conducted by the courts. While those adept at technology have benefitted, recognizing that there may be some lawyers who are not as well versed with information technology, a training program for enhancing the IT skills of the lawyers of the entire State was organized on December 04, 2020. Through this, we have attempted to fill the lacunae that no lawyer is disadvantaged.

I do hope that the various measures which have been introduced not only for the benefit the litigants, lawyers but also for the Judges at Uttarakhand. My endeavour from day one has been to deliver real and speedy justice to the litigants. I have strived for this, from the first case that I heard, till the last case that I

adjudicated this morning. I have been told by the Registry that for the 149 working days, in the Single Bench and the Division Bench matters, there have been disposal of 1501 main cases and 3178 miscellaneous cases namely, a total of 4679 cases.

On my orders of transfer, I would have to leave the beautiful State of Uttarakhand. It is one of the most beautiful States in the country and I consider myself to be extremely fortunate to have served the people of the State of Uttarakhand. It is not a beautiful State only because of its environment, its geography etc., but the beauty of the State is enhanced by the wonderful people that are here. The personality of the people of Uttarakhand is extremely special. Ever since I arrived in this State, I have received abundant love and affection from everybody here, both from the bar and from my esteemed brothers. I was never made to feel like an outsider and was always treated as one amongst you.

The bar indeed has brilliant seniors and promising juniors. The members of the bar are ingenious and hardworking. I will treasure the varied interactions I had with the seniors and the juniors of the bar. My brother judges have been very cooperative and supportive. The love and affection that I have received from my esteemed brother Judges will always be remembered by me.

Before I say goodbye, I would like to express my gratitude to all the people who have assisted me here. During my travels, I received impeccable security from the security staff namely Shri Jagdish Chandra Arya, Shri Mahesh Pant, Shri Manmohan Singh, Shri Krishna Kumar, Shri Surjeet Singh, Shri Pratap Singh, Shri Shanker Lal, Shri Ramesh Rana, Shri Vinod Bhatt, Shri Hitender Nath. Each one of them has been very disciplined. I also appreciate the impeccable services rendered by my drivers Shri Pradeep Naugai and Shri Sudhir Raturi, who are not only efficient in their services but also extremely affectionate. I also thank my PSOs' Shri Prakash Chandra and Shri Saurabh. They have always ensured that no

harm falls on me. I also thank Dr. L.M.S. Rawat and Shri L. P. Dhaundiya, who have taken care of my medical requirement as also that of my family. I thank them for keeping me hale and hearty.

I would also like to express my appreciation to my Bench Secretaries Shri V.C. Raturi and Smt. Preeti Singh Bajpayee, who have been very efficient in assisting me in the Court. I also thank my Principal Private Secretary Shri Gurpreet Singh for attending to each one of my needs. He has ensured that every requirement of mine was taken care of. I thank my Private Secretary Shri Pravindra Singh Rathour, my Personal Assistants Shri Nishant Kumar and Shri Rahul Prajapati. They have been extremely efficient in their work and have been very quick in transcribing judgments. In fact, whenever an advocate would submit that the matter is urgent, and state that he required a certified copy by the end of the day, I would tell the lawyer that a situation where the certified copy would not be received by the end of the day would not arise. Without waiting for any further instruments from me, my Private Secretary and Personal Assistants would ensure that the judgment was ready by the end of the day. My Private Secretary and Personal Assistants have been very efficient and I thank them for it. I also thank the personal staff at my residence Shri Harish Adhikari, Shri Deepak, Shri Bachan Singh, Shri Prakash, Shri Bipin, Shri Balwant, Shri Ravi Kumar, who have worked tirelessly to make my family comfortable as well as Shri Umesh Kumar, who has kept the house neat and tidy. I also place on record my appreciation to Shri Vivek Goswami, the driver of the State Legal Services Authority for rendering services to me and my family. I sincerely thank Shri Vinod Jagwan and Shri Govind Raj, who have worked in my chamber and attended to every need of mine.

Most importantly, I thank the Registry of this Court for their hard work and sincerity. I am deeply grateful to the former Registrar General Shri Hira Singh

Bonal, former Registrar (Protocol) Shri Sujeet Singh and former Registrar (Computer) Shri Manoj Garbyal. I also thank Shri Anuj Kumar Sangal, Registrar (Vigilance), who has a very high degree of integrity in discharging his duties and functions. Shri Dharmendra Singh Adhikari, Registrar (Judicial), is indeed very hardworking. His services will always be remembered. I also place on record my appreciation of Smt. Shadab Bano, Registrar (Inspection) who has been extremely efficient. The new Registrar General Shri Dhananjay Chaturvedi, Shri Ambika Pant, Registrar (Computers), Shri Anirudh Bhatt, Registrar (Protocol), Shri Rajeev Kumar Khulbe, Member Secretary, SLSA, Shri Nitin Sharma, Director, UJALA, who have been handpicked and recently inducted, are very promising officers. I am sure that they will be an added asset to this Court. Shri G.K. Sharma, former Member Secretary, SLSA and former Director, UJALA, has been extremely efficient in the discharge of his duties and functions with utmost dedication. I thank him for the same.

In this moment of departure, I wish and pray that the High Court of Uttarakhand and the subordinate judiciary will rise to greater heights in the cause of quick and real dispensation of justice.

I conclude by wishing my esteemed brother Judges, the members of the Bar, Registry and staff of the Court, the subordinate Judges, spouses of the Hon'ble Judges, a very happy, prosperous and peaceful new year.

Thank you one and all.

**Proceedings of Welcome of Hon'ble Mr. Justice Raghvendra Singh Chauhan,
Chief Justice, High Court of Uttarakhand.**

Full Court Reference held on 07-01-2021

In

The Court of the Chief Justice

At 02.00 P.M.

Order of address

- **Sri S.N. Babulkar, Advocate General, State of Uttarakhand.**
- **Sri Pooran Singh Bisht, President of the High Court Bar Association, Nainital, Uttarakhand.**
- **Hon'ble Mr. Justice Sudhanshu Dhulia, Judge, High Court of Uttarakhand.**
- **Hon'ble Shri Justice Raghvendra Singh Chauhan, Chief Justice, High Court of Uttarakhand**

❖ **Address by Shri S.N. Babulkar, learned Advocate General for the State.**

My Lord, Hon'ble Mr. Justice Raghvendra Singh Chauhan, the Chief Justice of Uttarakhand High Court at Nainital, Hon'ble Mr. Justice Sudhanshu Dhulia, Senior Judge and their Esteemed Companion Judges, gracing the occasion by their benign presence, family members of Hon'ble the Chief Justice, President, High Court Bar Association, Assistant Solicitor General of India, Learned Senior Advocates, My learned colleagues in government side, the learned members of the Bar, distinguished guests, members of Registry, ladies and gentlemen.

We have assembled here to welcome Hon'ble Mr. Justice, Raghvendra Singh Chauhan, as Chief Justice of Uttarakhand High Court. His Lordship was born on 24th December, 1959. Graduated from Arcadia University, Glenside, PA, United States of America in the year 1980 and obtained LLB Degree from Delhi University, Delhi, in the year 1983. His Lordship enrolled as an Advocate with the Rajasthan Bar Council on 13th November, 1983. His Lordship's practiced in the Rajasthan High Court from 1986 to June, 2005, especially in Criminal Law, Constitutional Law and Service Law sides. His Lordship's parent High Court is Rajasthan High Court. His Lordship was elevated as Additional Judge on 13th June, 2005 in the Rajasthan High Court and was then elevated as permanent Judge on 24th January, 2008,, His Lordship transferred and took oath as Judge of Karnataka High Court on 10th March, 2015. His Lordship was then transferred and took oath as Judge of High Court of Judicature at Hyderabad for the State of Andhra Pradesh and Telangana on 23rd November, 2018. His Lordship was appointed as Acting Chief Justice of the Telangana High Court on 3rd April, 2019. His Lordship was finally elevated as Chief Justice of Telangana High Court on 22nd June, 2019. Hon'ble the Chief Justice hails from Rajasthan, which is known as a Land of Kings, having famous for its colourful culture and art. Sir, I, on my behalf and on behalf of the State, welcome you to this Dev Bhumi, where the Ganga and Jamuna along with its tributaries flows with all its might and where sacred Mahabharata and Geeta, the ultimate sources of knowledge were composed by Maharshi Ved Vyasa and where salvation can be achieved without going through any formal Karmakand, as Uttarakhand is said to be the 'Vichar Bhumi' not 'Aachar Bhumi'.

In the last, I hope and believe that under the able guidance of Your Lordship, Uttarakhand High Court will progress leaps and bounds.

Thank you very much.

❖ **Address by Mr. P.S. Bisht, the President of High Court Bar Association.**

Hon'ble Chief Justice Raghvendra Singh Chauhan, Hon'ble Senior Judge Sudhanshu Dhulia and others Hon'ble esteemed learned of this High Court, learned Advocate General, Assistant Solicitor General Government of India, learned Senior Advocates learned Registrar General, respected members of Bar, Members of Registry, ladies and gentlemen.

We are assembled here today to welcome Hon'ble Mr. Chief Justice Raghvendra Singh Chauhan. Hon'ble Mr. Chief Justice Raghvendra Singh Chauhan was born on 24th December 1959. Justice Raghvendra Singh Chauhan is B.A., LLB. Lordship started his career as an Advocate on 13th November 1983 in the Rajasthan High Court. His field of specialization is in criminal and service and constitutional matters. Lordship was appointed as an Additional Judge of the Rajasthan High Court on 13th June 2005. He was promoted as Permanent Judge on 24th January 2008, then he was transferred as a Judge of Karnataka High Court on 10th March 2015. Lordship was transferred as a Judge of Telangana High Court on 8th November 2018. Lordship was appointed as Acting Chief Justice of the Telangana High Court on 3rd April 2019. On 22nd June 2019, he was appointed as Chief Justice of Telangana High Court. Now, the Lordship is appointed as Chief Justice of this Court. We welcome you and convey our best wishes to You for Your tenure. We are indeed privileged to have You, as the Hon'ble Chief Justice of Uttarakhand High Court. On behalf of this Bar I can assure you that we shall be proved happy, to become a part of and any of your deliberated solutions. Your honour, joining has brought in fresh hopes and optimism of ushering in an era of quick reforms. We, therefore, welcome You and wish You all the best on the start of Your journey and profoundly hope that when it ends, it is so full of

accomplishments and achievements that everyone feels that it was really short and should have gone on.

Once again, I wish you the very best for your tenure.

Thank You and very best wishes.

❖ **Address by Hon'ble Mr. Justice Sudhanshu Dhulia**

My Lord, Chief Justice of Uttarakhand High Court, Hon'ble Shri Raghvendra Singh Chauhan, my brother Judges of the High Court, learned Advocate General of the State Shri S.N. Babulkar, learned Government Advocate Shri G.S. Sandhu, learned Chief Standing Counsel Shri C.S. Rawat, learned Assistant Solicitor General of India Shri Rakesh Thapliyal, learned Senior Advocates of the Bar, learned Members of the Bar, the Registrar General of the High Court and all the other Judicial Officers working as Registrars in the High Court, Members of the Registry, President, Secretary and Office bearers of the Bar, ladies and gentlemen.

As it has already been said before by the Advocate General and by the President of Bar that we have assembled here this afternoon to welcome our new Chief Justice Hon'ble Mr. Justice Raghvendra Singh Chauhan. My Lord Justice Chauhan was born on December 24, 1959. As you know, he is a graduate from Arcadia University, which is in Glenside, Pennsylvania in the United States of America. Thereafter, he obtained his Law degree from Delhi University in the year 1983 and in the same year, he started his practice in the Rajasthan High Court where he specialised in criminal, service and constitutional matters. He was appointed as an Additional Judge of Rajasthan High Court at a comparative young age of 45 years. In the year 2008, he was appointed as permanent Judge. He was then transferred to Karnataka High Court in the year 2015 and then to High Court

of Judicature at Hyderabad which was at that time a common High Court for the State of Andhra Pradesh and Telangana. He later assumed office of the Chief Justice of the High Court of Telangana in June 2019. All of us are indeed extremely fortunate to have His Lordship as our Chief Justice. Justice Chauhan is a Judge of wide reading and comes here with the wealth of experience of Judge and stands as Chief Justice. My Lord is also a very- attractive orator and I am sure with Your Lordship's being here as Chief Justice and also as the patron in chief to our education and training centre which is at UJALA the training centre will also have a lot of benefits. My Lord we are here a very small community of Judges, who are living in absolute fraternity. The Bar here is extremely, courteous and I may also add that the Bar may have particularly lady lawyers and Seniors Advocates at the Bar may have extremely genuine and pressing problems, which may demand Your Lordship's kind attention. Once again, I welcome Your Lordship to Uttarakhand, which is known as Devbhoomi. I have absolutely no doubt in my mind that Your Lordship's tenure here will be extremely beneficial both for the Bench as well as for the Bar.

Thank You.

❖ **Address by Hon'ble the Chief Justice Shri Raghvendra Singh Chauhan**

My learned Brothers on the Bench, Mr. S.N. Babulkar, learned Advocate General for the State of Uttarakhand, Mr. P.S. Bisht, the President of the Uttarakhand High Court Bar Association, Mr. C.S. Rawat, the learned Chief Standing Counsel for the State of Uttarakhand, Mr. Rakesh Thapliyal, the learned Assistant Solicitor General of India, Mr. Jai Vardhan Kandpal Secretary Uttarakhand High Court Bar Association, the learned Senior Advocates, the

learned members of the Bar, the learned Registrars of the High Court, the High Court staff, ladies and gentlemen.

It is, indeed, a delight to be in the High Court of Uttarakhand, in the fellowship of learned colleagues, and of the respectable Bar. I am beholden to by Brother, Hon'ble Mr. Justice Sudhanshu Dhulia, to Mr. P.S. Bisht, the President of the Uttarakhand High Court Bar Association, and to the learned Advocate General for the warm welcome extended by them. I am certainly impressed by the progressive vision of this High Court, by its deep environmental concerns, and by its awareness of the sunrise areas of law.

In the midst of winter, I bring the warmth of Rajasthan. To the Dev Bhoomi, I bring the serenity of Krishna and Cavery. Of course, Uttarakhand has its own glorious past, mentioned as it is in the Mahabharata. It is the land of the sages, and of the brave. I hope to discover during my short tenure its art, culture and history.

We may come from different regions of our vast country, but the goals of the legal fraternity and the legal language are the same.

We are dedicated to -upholding the Rule of Law and democracy. We must ensure fairness and justice to the common man. For, it is the common man who is the focus of our Constitution. Thus, it is our sacred duty to concretize the constitutional dreams for our people. I am sure my learned Brothers and I will amply fulfil our constitutional duties. I believe that the work of the court becomes a matter of joy when there is unified vision of our role in the emerging world around us. I want us to be proud of our profession and collaborative in our functioning. That, in my view is the shortest way for us to find a place in the All Indian Judiciary. Luckily, we have a great tradition and excellent reputation for the healthy public role of the court. I assure you, I bring with me an open mind. I welcome frank and open communication. For my purpose, like yours, is to attain

speed and efficiency in the shortest time possible. I hope, we as the Court shall have cooperation of the political establishment of the region so that we can bring fairness in justice to our people of Uttarakhand. I certainly hope to learn and benefit from the advice of my esteemed colleagues. I would especially appreciate their insights into the specific cult of this region. For, it has its own history and traditions.

The New Year has begun. I am sure our journey during the year will be a pleasant one. On my own behalf, and on behalf of my family, I wish all of you a Peaceful and Prosperous, Healthy and Joyous New Year.

Thank you very much for giving me a patient listening. Thank you.

**Proceedings of the Hon'ble Mr. Justice Sudhanshu Dhulia,
Judge High Court of Uttarakhand
elevated as Chief Justice of Guwahati High Court.
Full Court Reference held on 08.01.2021**

**In
The Court of the Chief Justice
At 10.15 A.M.**

Order of address

- **Sri S.N. Babulkar, Advocate General, State of Uttarakhand.**
- **Sri Pooran Singh Bisht, President of the High Court Bar Association, Nainital, Uttarakhand.**
- **Hon'ble Mr. Justice Raghvendra Singh Chauhan, Chief Justice, High Court of Uttarakhand.**
- **Hon'ble Shri Justice Sudhanshu Dhulia, Judge, High Court of Uttarakhand**

❖ **Address by Sri S.N. Babulkar, Advocate General, High Court of Uttarakhand:**

My Lord, Hon'ble Mr. Justice Raghvendra Singh Chauhan, Chief Justice of Uttarakhand High Court, Nainital, Hon'ble Mr. Justice Sudhanshu Dhulia, Senior Judge and their esteemed companion judges, gracing the occasion by their benign presence, family members of Hon'ble Senior Judge, President, High Court Bar Association, Assistant Solicitor General of India, learned Senior Advocates, my learned colleagues in government side, distinguished guests, learned members of the Bar, learned members of Registry, ladies and gentlemen.

We have assembled here to bid farewell of Hon'ble Mr. Justice Sudhanshu Dhulia, Senior Judge, Uttarakhand High Court on his elevation as Chief Justice of Guwahati High Court.

Moments of farewell are normally painful, but sometimes it gives feeling of joy as well, in such moments one does not get words to express his emotions, but the rule of duty always dominates over the tender feelings.

Hon'ble Mr. Justice Sudhanshu Dhulia was born on 10th August 1960 at Lansdowne in Pauri Garhwal, Uttarakhand. His Lordship family hails from District Pauri Garhwal. His Lordship is the second son of late Hon'ble Mr. Justice K.C. Dhulia, who was a Judge of the Allahabad High Court and grandson of Pandit Bahirav Dutt Dhulia, a freedom fighter and renowned scholar. His Lordship's grandfather was also Member of Legislative Assemble from Lansdowne in the year 1967 and was editor of the famous newspaper "Karambhumi" in Garhwal, Uttarakhand.

Hon'ble Mr. Justice Dhulia did his earlier schooling from Dehradun Sainik School, Lucknow and St. Joseph's College, Allahabad. His Lordship was graduated from Allahabad University in the year 1981. His Lordship completed his masters in Modern History in the year 1983 and LL.B. in the year 1986. His Lordship started his practice before the High Court of Allahabad in 1986. His Lordship became the first Chief Standing Counsel of Uttarakhand State and later as an Additional Advocate General and was designated as Senior Advocate in the month of June 2004. Hon'ble Mr. Justice Dhulia was also an honorary Professor in the Uttarakhand Academy of Administration (ATI) Nainital. Hon'ble Mr. Justice Dhulia elevated from the Bar to the Bench as a permanent Judge of High Court of Uttarakhand on 01.11.2008.

Sir, undoubtedly, your multifaceted personality has left indelible stamp on our heart, which we will cherish as a souvenir lifelong.

Sir, we wish you and your family a very good health and every success in life. But, since we belong to this land which is abode of God and since this is a part of our cherished culture that whenever our beloved gets separated, we pray almighty to make his path free from all troubles. I also accomplish this tradition, but in words of Saint Tulsi,

“प्रबिसि नगर कीजै सब काजा । हृदय राखि कोसलपुर राजा ॥
गरल सुधा रिपु करहिं मितार्ई । गोपद सिन्धु अनल सितलाई ॥

Thanking you.

❖ **Address by Sri P.S. Bisht, President, High Court Bar Association, High Court of Uttarakhand:**

Hon’ble Chief Justice Mr. Raghvendra Singh Chauhan, Hon’ble Justice Mr. Sudhanshu Dhulia, Senior Judge, Hon’ble other Judges of this High Court, learned Advocate General, learned Assistant Solicitor General, Government of India, learned Senior Advocates, learned Registrar General, respective members of Bar, members of Registry, ladies and gentlemen.

We are assembled here to bid farewell to our beloved Justice Sudhanshu Dhulia. Now Hon’ble Justice Sudhanshu Dhulia elevated as Chief Justice of Guwahati High Court. The Hon’ble Justice Dhulia Ji was born on 10th August 1960, at Lansdowne District Pauri Garhwal, Uttarakhand. Lordship is second son of K.C. Dhulia who was a Judge of Allahabad High Court and grandson of Pandit Bhairav Dutt Dhulia who was a freedom fighter and editor of Karambhumi newspaper in Garhwal, Uttarakhand. Lordship’s earlier schooling was from

Dehradun, Allahabad and Lucknow and graduated from Allahabad University in the year 1981. Lordship completed his Masters in Modern History in the year 1983 and LL.B. in the year 1986. Now, the Lordship started in practice before the Allahabad High Court in 1986, later shifted his practice to the newly created High Court of Uttarakhand at Nainital. Lordship was appointed as the First Chief Standing Counsel of the State of Uttarakhand and later as Additional Advocate General. Thereafter, Lordship designated as Senior Advocate in June 2004. During the period of practicing as an Advocate, Lordship was also the counsel for Indian Institute of Technology (I.I.T) Roorkee, State Industrial Development Corporation of Uttarakhand Ltd. (SIDCUL), Bhagirathi River Valley Authority amongst others. Lordship was also an honorary professor in the Uttarakhand Academy of Administration (ATI) Nainital. Lordship was elevated as Judge of High Court of Uttarakhand on 1st November 2008, His Lordship has been appointed as Chief Justice, High Court of Guwahati.

I can say without hesitation that Lordship is one of the magnetic personality. The portfolio/resume of the Lordship itself reflected. Lordship is a God fearing man and always helped to the poor class of society.

In this regard I must mention that Justice Dhulia made a very valuable contribution in the form of his extremely balanced judgments even in many high profile cases.

Due to paucity of time I am not referring judgments rendered by Lordship. However, it can be summed up that thorough knowledge of law, far sightedness and fierce independence can be seen in his judgments and orders. Hon'ble Lordship through his loyalty to the ethics and commitment to the cause of upholding the nobility of justice administration system has secured a remarkable reputation not just for himself but for this institution as well during his period. I

found that Hon'ble Justice Sudhanshu Dhulia has a nobility of classic quality to the Bar and Bench alike.

While summing up, I refer the hope of the great philosopher confusions "The superior man is modest in his speech but exceeds in his actions". This is squarely applicable to our Hon'ble Justice Sudhanshu Dhulia.

My Lord's contribution to this Hon'ble High Court would always be remembered and cherished by the members of the Bar. His Lordship has a deep attachment to Uttarakhand and to the people of the hill state. His Lordship always encouraged the young members of the bar. We the members of the bar have no words to express our gratitude for the services rendered by your Lordship to the people of the State and he was always present as big brother and guardian to all the advocates and was always ahead of doing anything for the members of the legal fraternity, whenever any advocate family was in any need.

Moments of farewell are always painful but at the same time such occasions are remembered as souvenir of sentiments and relations and this happens to be a special occasions for the Bar as he is becoming Chief Justice of any High Court who had practiced as an Advocate since the beginning of Uttarakhand High Court.

I conclude wishing Justice Sudhanshu Dhulia good luck in all his future endeavours and also wish for his being taking oath as Hon'ble Supreme Court Judge in near future.

May the choicest blessing of the almighty be showered on him and all his family members for more happy and healthy life.

Thank you and very best wishes.

❖ **Address by Hon'ble Justice Shri R.S. Chauhan, Chief Justice, High Court of Uttarakhand:**

My learned Brothers on the Bench. My dear Brother, Hon'ble Mr. Justice Sudhanshu Dhulia and his family members. The family members of my other esteemed colleagues. Mr. S.N. Babulkar, the learned Advocate General for the State of Uttarakhand, Mr. C.S. Rawat, the learned Chief Standing Counsel for the State, Mr. Rakesh Thapliyal, the learned Assistant Solicitor General of India, Mr. P.S. Bisht, the President, Uttarakhand High Court Bar Association, Mr. Jayvardhan Kandpal, the Secretary, Uttarakhand High Court Bar Association. The learned Senior Advocates, learned members of the Bar, the learned Registrars of the High Court, the staff of the High Court, members of the Print and Electronic Media, ladies and gentlemen.

At times, life suddenly displays its ephemeral nature: its different hues and shades. Only yesterday, we had gathered to welcome a new Chief Justice; today we have congregated to bid farewell to highly respectable Judge of this Court, my brother Hon'ble Mr. Justice Sudhanshu Dhulia. Farewell, itself can be quite confusing. For, on the one hand, we are elated by our brother's elevation as the Hon'ble Chief Justice of the Guwahati High Court. Yet, on the other hand, we saddened by the prospect of missing his radiant personality. Thus, this farewell is a moment of joy, tinged with a sense of sadness.

I must confess that unlike all of you, I did not have the privilege and the pleasure of working with Brother Dhulia. But his reputation has preceded him. I understand that Brother Dhulia had his early education in Dehradun, did his B.A. in History from the Allahabad University in 1981, did his M.A. in Modern Indian History in 1983 and finally his LL.B. in 1986.

Having enrolled with the Bar Council of U.P., His Lordship developed a phenomenal practice in Civil and Constitutional Law while practicing in the Allahabad High Court. But with the creation of Uttarakhand as a separate State in the year 2000, Brother Dhulia shifted his practice to this Court.

He had a brilliant carrier in this Court as well. He was appointed as the Chief Standing Counsel for the State, and, was later appointed as the Additional Advocate General for the State. In June 2004, Brother Dhulia was designated as a Senior Advocate. Considering his sharp legal acumen, on November 1st 2008, Brother Dhulia was elevated as a Hon'ble Judge of this Court.

I further understand that with his brilliance and erudite writing, Brother Dhulia has authored many landmark judgments. His judgments have dealt with myriad legal issues: in the Full Bench decision in the case of **Uttarakhand Van Vikas Nigam and others vs. Suresh Chandra Auli**, His Lordship explained the scope and ambit of the Dying in Harness Rule; in the case of **Uttarakhand Sugar Mills Association and Ors. Vs. State of Uttarakhand**, His Lordship dealt with the scope and ambit of the power of judicial review of government functions. On the one hand, His Lordship tackled the legal issue with regard to the reservation in Group C and D posts for those who had agitated for the creation of our State; on the other hand, in the Full Bench decision in **Tanuja Tolia vs. State of Uttarakhand**, his Lordship opined that even female contractual employees would be entitled to the Child Care Leave. Thus, the welfare scheme could not be restricted to just the regular employees. The numerous judgments pronounced by His Lordship shed light on different and difficult aspects of the law. His Lordship's judgments I am sure would continue to illuminate our judicial journey for decades to come.

Brother Dhulia's contribution is restricted not just to the judicial arena, but extends more so to the administrative fields. Under his able guidance as the Chairman of various administrative committees, many profound administrative decisions have been taken. He has added many laurels to the State Legal Service Authority while he was the Executive Chairman of the said Authority. A portal for online legal service and legal aid for the needy was developed under his Chairmanship. Brother Dhulia also organized two regional conferences on Criminal Justice Administration. Moreover, as the Judge-in-Charge, Education of the Uttarakhand Judicial and Legal Academy he successfully steered the Academy through the stormy weather of Covid-19 pandemic. Thus, not only the High Court as an institution, but also the people of our State have benefited from Brother Dhulia's vast knowledge, experience and wisdom. His vision for the State has guided all of us for the last two decades. Hence, it is our duty to complete his dreams for our State and for our people.

In my recent interaction with Brother Dhulia, I found him to be affable and gregarious, witty yet honest in his opinions. Just in a short spell of a day, he has brought few difficulties of our High Court to my notice. Of course, as the Chief Justice it is my duty to resolve these issues.

The loss of Uttarakhand is going to be the gain of the Seven Sisters of the East. I am sure Brother Dhulia will create judicial history during his tenure as the Hon'ble Chief Justice of High Court of Assam. I, on my behalf, and on behalf of my esteemed Brothers wish Brother Dhulia and his family members a joyous, prosperous and healthy stay in Assam and the other Eastern States. Needless to say Brother Dhulia, all of us will miss your delightful company, and your sunshine smile.

Thank you very much.

❖ **Address by Hon'ble Justice Shri Sudhanshu Dhulia, Senior Judge.**

My Lord Justice Sri Raghvendra Singh Chauhan, the Chief Justice of Uttarakhand High Court, my Brother Judges of the High Court, learned Advocate General of the State Sri S.N. Babulkar, learned Government Advocate Sri G.S. Sandhu, learned Chief Standing Counsel Sri C.S. Rawat, learned Assistant Solicitor General of India Sri Rakesh Thapliyal, learned Senior Advocates of the Bar, learned members of the High Court Bar Association, the office bearers of the Bar Association including its President Sri P.S. Bisht, and its General Secretary Sri Jayvardhan Kandpal, the Registrar General of the High Court and other Judicial Officers working in various capacities as a Registrar, members of the Registry, respected spouses of the Brother Judges, family members of our judicial fraternity, ladies and gentlemen and my dear fellow students.

First of all I thank Hon'ble Chief Justice, the learned Advocate General, and the President of the Bar for the kind words spoken about me. I am not sure whether I deserve all that praise but I must say that 20 years is a long period in the lifetime of an individual. I have given my 20 years working in this distinguished institution- High Court of Uttarakhand and I say this with great humanity with humbleness and a sense of satisfaction as well. It is for this reason when today you bid farewell to me I find myself in moment of great emotion. As I speak to you, memories of the past keep flushing in my mind, as if it was only yesterday.

I came from a middle class family. Both my parents were working parents. My father was a lawyer in Allahabad High Court and my mother was a teacher in Sanskrit in Government Girls Inter College, Allahabad. Allahabad was the town where I grew up along with my other two brothers. My family had a limited resources. As a child I had noticed that there was just the bare minimum furniture in my house. Initially, there was no family car, not even a scooter. My mother used

a bicycle to reach her school and as my school fall on the way, she dropped me daily to my school and picked me up on her way back. I must confess for a child who was in Class III all this was embarrassing as rest of their classmates went in their ambassadors, fiat, morris minor which was very common car in Allahabad in those days or at least in a rikshow.

Today, I recollect the same moment with a sense of immense pride as I was being raised by hardworking, honest and proud parents, who in spite of their limited resources gave best education to the children. I have not planned a carrier in law. I became a lawyer by circumstances and fate. I started my practice before the High Court of Judicature at Allahabad in the year 1986. As lawyer generally begin their practice I do started my practice with a great deal of hope. But, there were times I used to walk the long corridor of the Allahabad High Court briefless and even penniless. Hope was all I had. But then gradually I developed my practice. My Senior Mr. Markandey Katju, as he was there, guided me very well in my profession. I was leading a happy and contend life in Allahabad when new State of Uttarakhand was created in the year 2000 by an Act of Parliament. What was more important for me was that the new State was have its own High Court. I discuss the matter of shifting my practice to the new High Court with my family, my friends me pears. Many supported the idea some discouraged me. They advised me not to go and this advice was definitely based on reasons and pragmatism. But, when ultimately I made my choice it was not based on any of these factors. My choice was based on law. I was in love with Uttarakhand or to be more precise the idea of Uttarakhand. I have never regretted of making that decision.

I have received tremendous respect, love and trust of people here. I have met some truly remarkable people in Nainital. Made new friends, and learnt how to live in chilly winter and how to enjoy summer and autumn.

The new State of Uttarakhand was born on November 9, 2000 and the same day its new High Court at Nainital started functioning. I am here in Nainital since November 9, 2000. Then a cold winter morning of December 2000, gave a new turn to my life. I was staying in Nainital Club and I was woken up in the morning to the constant ring of door bell. When I opened the door I found 6 to 7 gentlemen each with a bouquet of flower in their hands and suddenly I realized that last night a notification had come up with Government of Uttarakhand appointing me as a Chief Standing Counsel and then I realize actually the magic in the word Chief. So I became Chief Standing Counsel for the new State with no office place, no assistance, no steno, no typist not even a typewriter. In those early days I used to write with my own hand five to six counter affidavits, get it typed from the market and submit in the Registry. But than gradually things improved. At the same time I was offered a job as a part time law lecturer in the Administrative Training Institute which I took immediately for two reasons (A) it came with a furnished family accommodation and (B) the ATI had a wonderful library. This also enabled me to bring my family to Nainital. When I became Judge in the year 2008 I realised that although life now was a lot hectic but now there was tremendous responsibility. Unlike a lawyer a judge cannot afford to commit a mistake. In the end it is not an easy work to do. David Pannick in his short and wonderful book called “Judges” says *“judges have a difficult task. Judges take a decision. Something which ordinarily people avoid doing in their lives, and the Judges do it in public domain, as a part of their duty”*.

I have been very fortunate to be in company of five Judges. Chief Justice Sri V.K. Gupta came here with a wealth of experience both as a lawyer and as a judge and Chief Justice of two High Courts. From him I got sound, practical advice whenever I sought one. Chief Justice Sri J.S. Khehar was particularly helpful to the

young bar here. I had the good fortune and chance to be his Bench partner for a very long time and I found that he always encouraged the young members of the Bar. He used to get child like satisfaction and joy whenever he noticed a young lawyer arguing his case well. Chief Justice Sri Barin Ghosh had a razor sharp intellect. He used to catch the point immediately, go to the jugular as I say. Chief Justice Sri K.M. Joseph was an intellectual who had done a wide reading both in law and literature. His advice came very handy on various occasions on many ticklish problems which I had questioned. Chief Justice Sri Ramesh Ranganathan again was a very hardworking Judge and I also found that he had a deep sense of detachment which was very inspiring. Hon'ble Justice Sri Ravi Malmath was here for a very short period as an Acting Chief Justice recently and as I said in his farewell his tenure will be known as tenure of great reforms. He brought tremendous reforms in procedural aspects. I would be missing the company of our present Chief Justice, Justice Sri Raghvendra Singh Chauhan. I have heard lot about him. In fact, Director of the National Judicial Academy at Hyderabad was so unhappy by His Lordship's departure but then he said that Uttarakhand Judicial Academy and Uttarakhand High Court will get tremendous high experience.

My colleagues in the Bench have always given me their support for which I will always remain grateful. I have always learnt a lot from their qualities. Brother Lok Pal was a very hard working lawyer as we all know before he became a judge and he carries the same spirit to the Bench. Brother Manoj Tiwari I know him as a lawyer since my Allahabad days. In fact, we made a journey together in a small santro car on November 7, 2000 alongwith the present Assistant Solicitor General Mr. Rakesh Thapliyal so that we can attend the inaugural ceremony here in Nainital on November 9, 2000. Brother Tiwari is a soft spoken but is immensely knowledge, particularly in the service law. Brother Sharad Sharma again I know

since Allahabad days. I am sure all of us here would agree that he puts in maximum hours as a Judge and this is something very difficult for the rest of us to emulate. Brother Dhanik is a soft spoken, quiet Judge and with his soft manner as I am told he is very much liked by the Bar. Brother Khulbe again is a quiet and soft spoken Judge, who has pleasing manners and I have told in the Court that he is also fast becoming darling of the Bar. Brother Maithani again comes with tremendous experience. He was Registrar General here and then he was Secretary General of the Apex Court. He comes with a lot of experience. He is a very hard working Judge. He is an asset to the institution and in the Full Court meeting in particular he has valuable advice to give. Brother Alok Verma again is a very soft spoken, mild and an extremely good gentleman. I wish him well for the future.

My work as a Judge was well supported by my staff and assistance both in the Court as well as in my residence. Mr. Avneet Singh has been my Secretary and stenographer from the very beginning. He has immensely improved over the years. So have Mr. Nitesh Rawat and Mr. Ankit Rawat. Mr. Laxman Singh Rawat and Mr. Niti Raj Aswal were with me for a very short time but both were extremely hard working. Mr. Shambhu Ram, Mr. Dan Singh and Mr. Anand Singh are my support staff on whom I was totally dependent. I would particularly like to make mention here of Mr. Dan Singh. He is a young man of extremely sharp memory. He was like my computer. He deserves to go much higher in life as he is intelligent and extremely hard working. In all these years my driver has been Mr. Moolchand, he is simply exceptional. He is the best driver behind the wheels. In my house me and my family were taking care of Krishna. Krishna was like my younger brother, apart from being an excellent cook. Krishna, however, died unnatural death three years back as he developed an autoimmune disorder. I will never forget him. Pratap, Chandra Shekhar, Dwarka and Bheem had looked after me and my family

with extreme devotion. Gokul, Rajesh Chadha and Sunil Badola were my PSOs at different time. I thank them for their services. My Bench Secretary Sri Mahesh Chandra Upadhyaya is a soft spoken and hard working officer. I wish him very well for the future. Mr. Jalal. Mr. Pokhariya, Mr. Srivastava have looked after the protocol at various times with extreme efficiency. I wish them a bright future. I must make a mention here of the Doctors of B.D. Pandey Hospital who take care of our health here. Dr. Rawat, Dr. Dhami, Dr. Dugal are extremely efficient Doctors. I would like to make a special mention here of Dr. Rawat who is like our family Doctor. A fine specimen of human being. Thank you Doc. Mr. Dhaundiyal I must also mention takes special care of my family members. Thank you very much.

At this stage, I must make a mention of my family my wife Vaishali and my three sons Shorin, Sharang and Shashank. They have been extremely supportive of my work as a Judge and they have understood reclusive nature of their father.

Before I conclude, I must say that we are all Judges, but, I pray to God daily Oh God! do not make me judgmental instead bless me with a qualities to understand others.

Thomas Moon Telford was a Judge in England in early 19th century. He was a Judge in the court of common pleas and he was also a very good friend of Charles Dickens. In fact, Charles Dickens dedicates his book *Pickwick Papers* to Justice Talford. Justice Talford had said something remarkable and from which I take daily inspiration. He said “fill all the seats of justice with good men, not so absolute in goodness as to forget what human frailty is”. And, I say this because we must remember that there is nothing like a faultless personality. Every saint has a past and every sinner has a future.

I have said in the beginning that the work of a Judge is not easy. It is not easy because more than learning it requires understanding. Victor Hugo had said that *“being good is easy what is difficult is being just”*.

Justice Aharan Barak, was the Chief Justice of Israel and one of the most remarkable personalities had said in one of his opinion. He said *“We are Judges. We demand that others act according to law. This too is the demand we make to ourselves. When we sit at trial we stand on trial”*. A Judge should never forget that when he is sitting in his courtroom giving his judgment there is also a litigant sitting in a corner of the courtroom judging the judge. My work and conduct is there now, to be judged by the Bar. Judge me but do not judge me harshly.

Thank you.

**Proceedings of Superannuation of the Hon'ble Mr. Justice Lok Pal Singh,
Judge, High Court of Uttarakhand.**

Full Court Reference held on 15-01-2021

In

The Court of the Chief Justice

At 03.30 P.M.

Order of address

- **Sri S.N. Babulkar, Advocate General, State of Uttarakhand.**
- **Sri Pooran Singh Bisht, President of the High Court Bar Association, Nainital, Uttarakhand.**
- **Hon'ble Mr. Justice Raghvendra Singh Chauhan, Chief Justice, High Court of Uttarakhand.**
- **Hon'ble Shri Justice Lok Pal Singh, Judge, High Court of Uttarakhand**

❖ **Address by Shri S.N.Babulkar, Advocate General, State of Uttarakhand:**

My Lord, Hon'ble Mr. Justice Raghvendra Singh Chauhan, Chief Justice of Uttarakhand High Court, Nainital, Hon'ble Mr. Justice Lok Pal Singh, Senior Judge, and their esteemed companion Judges gracing the occasion by their benign presence, Madam and family members of Hon'ble Senior Judge, President, High Court Bar Association, Assistant Solicitor General of India, learned Senior

Advocates, my learned colleagues in government side, distinguished guests, learned Members of the Bar, learned members of Registry, ladies and gentleman.

We have assembled here to bid farewell to Hon'ble Mr. Justice Lok Pal Singh on his retirement as a Judge from the High Court of Uttarakhand at Nainital.

His Lordship Mr. Justice Lok Pal Singh was born on 15th February, 1959 in Village Mohanpur Mohammadpur, Tehsil Roorkee (then District-Saharanpur), now District-Haridwar, Uttarakhand. He was born in a family of a farmer late Shri Harpal Singh. His Lordship completed his primary education from the Cantonment Primary School, Roorkee Cantt., and High School and Intermediate from BSM Intermediate College, Roorkee. His Lordship did his Graduation and Law Degree from Meerut University, Meerut. His Lordship started his practice at Civil Court Roorkee in the year 1988, especially in Civil and Revenue sides. His Lordship shifted to District Court, Haridwar on the creation of District Haridwar in 1989, and started practicing in Civil, Revenue and Criminal matters.

His Lordship shifted to Uttarakhand High Court at Nainital on the creation of the State of Uttarakhand and became founder Member of the Bar Association. Initially, His Lordship conducted the cases relating to revenue, civil and criminal sides and thereafter conducted the matters relating to constitution, service, company, arbitration, land acquisition etc.

His Lordship elevated as a permanent Judge of the High Court of Uttarakhand at Nainital on 19th May, 2017.

Ever-since His Lordship was elevated as Judge, he has expressed his concern for betterment of this institution and legal fraternity, and has never hesitated expressing his opinion, which, according to him, was just and proper.

Sir, undoubtedly your personality has left indelible stamp on our hearts, which we will cherish forever.

Sir, we wish you and your family a very good health and every success in life. We pray Almighty to make your path free from all troubles.

“शिवा भवताम् पथानाम”

Thanking you,

❖ **Address by Shri Pooran Singh Bisht, President, High Court Bar Association, Nainital:**

Hon’ble Chief Justice Raghvendra Singh Chauhan, Hon’ble Senior Judge Lok Pal Singh, Hon’ble others esteemed judges of this High Court, learned Advocate General, learned Assistant Solicitor General, Government of India, learned Government Advocate, learned Chief Standing Counsel, learned Secretary of High Court Bar Association, learned Senior Advocates, learned Registrar General, respective members of Registry, Ladies and Gentleman.

We have assembled here to bid farewell to our beloved Hon’ble Justice Shri Lok Pal Singh. Hon’ble Justice Lok Pal Singh was born on 15th February, 1959 in Village Mohanpur-Mohammadpur, Tehsil Roorkee (then District Saharanpur) now District Haridwar. Justice Lok Pal Singh did Graduation and Law Degree from Meerut University. His Lordship started practicing since 1988 at Civil Court, Roorkee in Civil and Revenue sides initially. On creation of District Haridwar in 1989, His Lordship shifted to District Court Haridwar, and started practicing in Civil, Revenue and Criminal matters.

After creation of the State of Uttarakhand, His Lordship immediately shifted to High Court of Uttarakhand, and became founder Member of the High Court Bar Association. Initially Lordship conducted Revenue, Civil and Criminal cases, and thereafter, conducted the matters relating to constitution, service, company, arbitration, land acquisition etc. During the practicing period, His Lordship was appointed as a Special Counsel for the Transport Corporation, State of U.P. in various matters; Standing Counsel for the Uttarakhand Power Corporation Ltd. as well as for the District Cooperative Banks of Uttarakhand and other private Banks. For a long period, he was empanelled in the pool of advocates for the High Court. On 19th May, 2017, His Lordship was elevated as a permanent Judge of the High Court of Uttarakhand and was assigned independent judicial work from the date of assuming the charge.

My Lord's contributions to this Hon'ble High Court would always be remembered and cherished by the members of the Bar. His Lordship has a deep attachment to Uttarakhand, and to the people of the State. We, the Members of the Bar, have no words to express our gratitude for the services rendered by Your Lordship to the people of the State.

Moments of farewell are always painful but at the same time, such occasions are remembered as remembrance of sentiments and relations.

Sir, at last, I conclude with the prayer to Almighty to bestow upon you a healthy and a long life.

Thank you and very best wishes.

❖ **Address by Hon'ble Mr. Justice Raghvendra Singh Chauhan, Chief Justice, High Court of Uttarakhand:**

My Esteemed Brothers on the Bench; Hon'ble Mr. Justice Lok Pal Singh, Mrs. Lok Pal Singh and their family members; The family members of my other esteemed colleagues; Mr. S.N. Babulkar, the learned Advocate General for the State of Uttarakhand; Mr. G.S. Sandhu, the learned Government Advocate for the State; Mr. C.S. Rawat, the learned Chief Standing Counsel for the State; Mr. Rakesh Thapliyal, the learned Assistant Solicitor General of India; Mr. P.S. Bisht, the President, High Court Bar Association; Mr. Jayvardhan Kandpal, the Secretary, High Court Bar Association; The learned Senior Advocates; Learned Members of the Bar; The learned Registrars of the High Court; The staff of the High Court; Members of the Print and Electronic Media; Ladies and gentlemen;

At times, fleeting moments linger on. Fleeting meetings leave undeniable memories. Such is the case in my interaction with my Brother, Hon'ble Mr. Justice Lok Pal Singh. In one week's time that I have known him, I have found him to be dead honest, frank in his opinion, and sensitive to the needs of the people. A son of the soil, Brother Lok Pal Singh has reached great heights.

Hailing from a small village Mohanpur-Mohammadpur, Tehsil Roorkee, initially completing his education from the BSM Intermediate College, Roorkee, Brother Lok Pal Singh completed his LL.B. Degree from the Meerut University. Immediately after completing his studies, he started his practice at the Roorkee courts. Soon he developed a phenomenal practice in civil cases. In 1989, with the creation of the District Haridwar, Brother Lok Pal Singh shifted his practice to the District Court at Haridwar. With the creation of Uttarakhand in 2000, Brother Lok Pal Singh shifted his practice to our High Court. Soon he developed a roaring

practice not only in the civil cases, but also in Company Matters, Arbitration, Land Acquisition and Constitutional Law. Thus, he emerged as one of the finest lawyers this High Court is to have. Besides representing the private parties, he also represented the Transport Corporation of Uttarakhand, the Power Corporation Limited, the District Cooperative Banks and other private Banks. Considering his reputation as a leading lawyer, even the State of Uttar Pradesh sought his services when the cases involved complicated questions of law. Thus, he led the Bar from the forefront. I am told that he was one of the founding members of the High Court Bar Association. The legacy he left behind in the Bar continues even today.

Considering his high sense of integrity and his erudite knowledge of law, on 19.05.2017, Brother Lok Pal Singh was elevated as a Judge of this High Court. During his tenure as a Judge for the last four years, Brother Lok Pal Singh has authored many landmark judgments. His judgment in *Smt. Shalini Agarwal vs. Shri Shandar Industries Limited* (Civil Revision No. 157 of 2019), is known for his interpretation and analysis of Order 38 C.P.C. It is said to be a “must read” judgment for every student of law. Likewise, his interpretation of Order 15 Rule 5 C.P.C., in the case of *Vijay Kumar Agarwal vs. Ashok Kumar Handa* (Civil Revision No. 28 of 2013), is considered a *locus classicus* in the civil law.

As the Chairman of the High Court Legal Services Committee since November, 2018, under his Chairmanship, 09 Lok Adalats have been held in our High Court and more than 2000 cases have been taken-up. Thus, he has rendered yeoman service for the cause of the common man.

Moreover, he has chaired many Committees of the High Court, where both, the Committee and the High Court, have reaped dividends from his vision and clarity of thoughts.

Brother Lok Pal Singh happens to be an inspiring figure amongst us. A humble person, a God loving man, his simplicity and his sensitivity is heart-warming. He stands as a role model to teach us as to how a man rises from the dust and heat of this land and flies like an eagle to reach the sky. His hard work, his tenacity, his courage, his dedication to our values and principles of being objective, impartial, independent judges, has brought him laurels throughout his service career, both, as a lawyer and as a Judge. The judgments pronounced by him, would continue to shine like the polar star and will continue to help us navigate through the difficult and unimaginable legal issues. Knowing Brother Lok Pal Singh, he is not one to rest on his oars or to bask in his past glories. I am sure, he will continue to work and will continue to contribute substantially, both, to the legal fraternity in particular and to the society in general.

I, on my behalf and on behalf of all my Brothers, wish Brother Lok Pal Singh and his family a happy and joyous, peaceful and prosperous, a healthy and wealthy life, in decades to come.

Thank you.

❖ **Address by Hon'ble Shri Justice Lok Pal Singh, Judge, High Court of Uttarakhand:**

Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan, my esteemed Brother Judges, learned Advocate General Sri S.N. Babulkar, learned President of the High Court Bar Association Sri P.S. Bisht, learned Govt. Advocate Mr. G.S. Sandhu, learned Secretary High Court Bar Association Sri Jayvardhan Kandpal, learned Chief Standing Counsel Sri C.S. Rawat, learned Senior Advocates of the Bar, learned members of the High Court Bar Association, the Registrar General

and other Registrars of the High Court, members of the Registry, respected spouses of the esteemed Brother Judges, my better half, ladies and gentlemen.

To begin with, I profusely thank Hon'ble the Chief Justice, learned Advocate General and the learned President of the High Court Bar Association for their generous and kind words. Today, I stand before you in a humble manner and in awe for the reason that many of you had thought fit to attend my farewell function out of your precious valuable time.

I am not sure as to how many of you are aware of my background. But I am sure it might encourage the young generation because if I can make it to this place you all can try too. I come from a farmers family of a village, Mohanpur in Tehsil Roorkee with no guidance and background of law.

My father Late Shri Har Pal Singh, in his early childhood, lost his parents. However, he managed to cope with the cunning functioning of the society on his own. My mother Yashoda Devi was though an illiterate lady but she possessed all the qualities of a good 'Ma' and a good human being.

Despite limited resources and no advance means of livelihood, my parents tried their best to give good education to their eight children, four daughters and four sons, including me.

I got admission in primary school run by Cantonment Board Roorkee and completed my primary and junior education upto class 8th therefrom. I did my Intermediate education from BSM Inter College Roorkee. As all of you must be aware that city Roorkee is known for its glory of engineering, likewise all the adjoining areas including my village there is a fever of becoming an engineer. In our conventional society, professions like engineer and doctor are considered as

reputable profession. Following the same trend, I also wanted to become an engineer but my father who had faced the property litigation with his relatives wanted me to be a lawyer. My father deviated from the conventional mentality and urged me to pursue law. Nevertheless, my views of becoming an engineer were strong as it would put me in a better sight at that particular time, additionally, no one near had any insight of law background. However, it was my obedience that made me pursue law from Meerut College, Meerut. And today, I realize what future perspectives my father had in mind from his experience and rest is history. Even though my entry into the legal profession was unplanned, I do not regret it.

While waiting for the degree of law, I joined the chamber of renowned lawyer of civil and revenue of late Shri B.S. Chauhan where I learnt about professional ethics and legal knowledge. I got enrolled as a lawyer on the precious day i.e. 26th November, 1988, which now is celebrated as Constitution Day. After a span of 1 year 5 days, seeing my caliber, my senior directed me to start independent practice. Later, I joined the chamber of another senior lawyer of Roorkee court Sri B.M. Sharma with whom I worked for about one and a half year jointly and independently.

Finally, I started independent practice in 1991, in District Court Haridwar. My wife Kamlesh Singh wanted me to start practice in Allahabad High Court but as Allahabad was far away and I was afraid that I may not get success there, I did not think it as a wise decision to leave roaring practice in District Court Haridwar. But the destiny had planned something else. On 9th November, 2000, new State of Uttarakhand was created and on the same day, new High Court of Uttarakhand was also established.

Upon establishment of new High Court of Uttarakhand at Nainital, my wife again persuaded me to join the High Court. On her advice I came to Nainital on 11.11.2000 and joined the High Court Bar Association on 13.11.2000. I will not forget the day when I came to Nainital with two brief handed over to me by my first client Chaman Lal.

I remember the time that when I was planning to shift to this High Court, some people advised me to focus on my established practice and not to take a risk to come to Nainital as there is a probability of failure. I replied by saying that if I would not succeed in my practice in Nainital, I will join my farming but will not go back. However, with the grace of god, I got so much success in my profession and did not face a single day of hardship during my practice in this High Court. Their advise might have come true but my zest for hard work was so immense that the saying “when the root of a tree are deep, then there is no chance of wind fear” came true and my passion for work could not shakened.

My mother wanted that I should become a Judge but I told my mother that it seems far away from a dream as I do not have time to prepare for the judgeship while earning for bread.

However, god has always showered blessings upon me. Fortunately, on 1st October, 2014, my wife received telephonic call that I have been called by Hon’ble Justice K.M. Joseph, the then Chief Justice of Uttarakhand High Court, now a Judge of Hon’ble Supreme Court, in his chamber. I was not aware of the reason but I went to the chamber of Hon’ble Justice K.M. Joseph who was sitting with Hon’ble Justice V.K. Bist. They offered a cup of tea to me and after some formal discussion they apprised me that I have been called to seek my consent for elevation as Judge of High Court. I was taken back to hear these words, as I had

never imagined it. I extended my consent whereafter my name alongwith brother Justice Tiwari and Justice Sharad Sharma were recommended for elevation as Judge of this High Court. Unfortunately National Judicial Appointments Commission Act, enacted, and the elevation process was held up. However, on 19th May 2017, I took oath as Judge of this High Court along with Justice Tiwari and Justice Sharad Sharma.

I would not forget to speak when I joined the judgeship there was backlog in criminal matters. Thus, criminal matters were assigned to me at least for two days, after every 15 days, for the reason that I may lower the burden to some extent. In the initial days of my judgeship, when I was in the middle of the cause list and the time was running fast, the lawyers started mentioning for posting the cases for another date but I requested the lawyers to remain in the Court and assured them that I will take up all the matters, irrespective of the court timings. As I always think that adjourning the case of a litigant for some other date is not a justice to him. Sitting in the corner of the court room, litigants wait for their turn to come. It is true that a Judge cannot finish the entire cause list at the end of the day but we all should do our best efforts to do maximum. The entire judiciary is overburdened. There is derth of Judges in the country whereas the litigation is increasing day-by-day and the Judges are taking responsibility and burden on their shoulders for dispensation of justice at their level best.

As I came from the subordinate court, I was very much aware of the problems faced by the lawyers there. I proposed the then Chief Justice Hon'ble Sri Ramesh Ranganathan to amend Rule 13 of General Rule Civil. As per Rule 13, during summer vacation, institution of urgent civil cases was only permissible with the leave of the court. During summer vacation, land mafias become active and

start creating problems for land owners. Thus, in order to redress such problem, I propose to amend said rule. Such request was acceded and Rule 13 was accordingly amended. Now, in the civil courts, the lawyers can institute the suit of any kind during summer vacation also.

I also had an opportunity to be a part of Hon'ble Committee constituted for framing the rules for designation of Senior Advocate. After framing the Senior Advocate Designation Rules, six senior lawyers have been designated in the High Court. Senior Lawyers are mentor for the Junior Lawyers. They groom them professionally and ethically.

During my short tenure of 3 years 8 months 27 days, I tried to do dispensation of justice to the best of my ability. Though I may not have delivered much celebrated judgments but from the core of my heart I would say that I tried to deliver the justice to the litigants at the best.

While hearing the cases assigned to me as per roaster, I was always conscious that I should take up all the matters so that the flow of justice should not be confined to the first and second pages of the cause list. I tried to take up all the matters so that last litigant in the cause list may not return disappointed that his matter could not be called. For this reason, I always discouraged the practice of seeking unnecessary adjournments. Though, I always gave a patient hearing but I never permitted the lawyers to waste the precious and valuable time of the Court by arguing beyond the context with that idea I always tried to achieve the target to finish entire cause list everyday.

Now it is the time to express my gratitude to all those who have assisted me in discharge of both judicial as well my administrative functions.

I will not forget the guidance extended by Justice K.M. Joesph and Justice V.K. Bist in dispensation of justice. I also had the opportunity to sit with Hon'ble Justice Shri Ramesh Ranganthan, the then Chief Justice, who enlightened me a lot. I had occasion to sit in a Division Bench with Justice Dhulia, Justice Tiwari, Justice Sharma, Justice Maithani and Justice Alok Verma. I have shared vast knowledge and experience from all of them. I am thankful to all of them. Brother Justice Dhanik and Justice Khulbe are very soft hearted and knowledgeable Judges but unfortunately I could not get the chance to sit with them.

I would also like to thank Hon'ble Shri Justice Rajiv Sharma with whom I had the opportunity to sit for a considerable period of time. While sitting in PIL Jurisdiction, lot of work has been done by both of us with each others assistance and guidance, giving judgments and directions to the State authorities for the betterment of the environment and restoring the nature to its glory.

Hon'ble Justice V.K. Bist is like an elder brother who always guided me rationally and gave me immense support.

As all of us are aware that Hon'ble Justice Shri Raghvendra Singh Chauhan has become the Chief Justice of this Court recently, but before demitting my office, I got an opportunity to co-chair for a day. Every day is a learning experience and this can be validated by a recent bench with him, where his conduct on administration of justice caught my eye. Under his able guidance, I learnt a lot in a day which can be very well equated with the experience of many years.

Coming from the other side of the Bench, I am aware of the importance of a relationship between the bench and the bar. I have no second opinion to say that I managed to do the work to my utmost satisfaction because of the love and

affection shown to me both by senior advocates and young members of the Bar who extended their invaluable assistance in the Court.

I can very well recall the time when this High Court was established for Uttarakhand and everyone had a fresh start. I appreciate and congratulate you all on how far we all have come. The hard work and commitment of lawyers have brought the court this far.

Although this High Court is only 20 years old but I can say that that lawyers of this High Court are not at all inferior to the lawyers of any other High Court. By their sincerity and hard work, they are improving the status of this institution by each passing day.

Being aware with the problems faced by the advocates in civil courts, I apprised and requested the former Chief Justice of this High Court Shri Ramesh Ranganathan to increase the pecuniary jurisdiction of the subordinate court. My request regarding the pecuniary jurisdiction and other reforms for the efficient functioning of the civil courts was acceded by the then Chief Justice and the same has been implemented recently.

I have encouraged the bar to perform in their best capacity because I find a larger duty towards public because a temple is a place of worship-it should always remain accessible to people. A temple of justice more so must remain open to the persons seeking redressal of grievances. Thus, I hope that both the Bar and the Bench would continue to do their best to ensure that the law is duly administered as per the mandates of our Constitution.

I extend my wholehearted thanks to all of you. In the process of administration of justice, I may have been un-compromising or tough on certain occasion but that was only with best intention.

I would be remiss if I do not mention the unstinted support lend by the Staff of the Hon'ble High Court and my personal Staff. I express my thanks to My Private Secretaries Shri Himanshu Negi, Smt. Rajni Gusain, Smt. Parul Verma, my Bench Secretary Shri S.S. Gusain, my personal assistant Smt. Mamta Rani, my Law Researcher Ms. Akansha Kukreti, for putting their useful and valuable services in rendering help to me in dispensation of justice.

Shri Rakesh Chauhan, Sri Pradeep Kumar, Sri Narendra Kumar, Orderly and Peon also put their best in discharge of their official functions. The staff attached at my residence namely Shri Kailash Pathak, Sri Inder Lal, Sri Aan Singh and Sri Keshav Joshi also left no stone unturned in taking good care of me and my family. My driver Sri Laxman Nath Goswami and Sri Prakash Lal also put their best efforts as and when their services were required.

Besides this, I should like to mention the sincere and attentive services rendered both my PSOs Raghuv eer Singh Daseela and Ganesh Singh Negi. Last but not the least, I would also like to record my appreciation for the medical services provided by Dr. Dhami, Chief Medical Superintendent, B.D. Pande Hospital, Dr. LMS Rawat, Dr. Bela Sah, Dr. Shailesh Joshi, Dr. Uma Rawat and Pharmacist Mr. L.P. Dhaundiya l, for rendering their services day in and day out and took great care of my health as well as the health of my family.

It would be unfair if I do not make mention of the good services provided by Shri Vinay Srivastava, Shri Jitendra Shobhraj, Shri Mahendra Singh Jalal as well as Shri Jitendra Pokhariya in discharge of their duties.

I must make mention that I had the fullest cooperation from my wife Kamlesh Singh, son Himanshu and daughter Shaifali who never interfered in my judicial function. All of them have been extremely supportive of my work as a Judge. My wife Kamlesh Singh proved the saying that “behind every successful man, is his woman”.

I spent twenty years of my life in this prestigious temple of justice as a lawyer and a Judge. I have no hesitation to say that I learnt a lot as a lawyer as well as a Judge from this institution, which is a place of Maa Nanda Devi, a deity of justice. Ma Nanda Devi has always showered blessings upon me and my family. I wish the same for this Institution also and pray this institution may achieve the highest glory in the country.

Lastly, I would like to share the feeling of content I have for my work. I have the satisfaction that I discharged my duties in fear of God and to the solemn oath I had taken and not in fear of men, that is, "To hear courteously, to answer wisely, to consider soberly, and to decide impartially."

I pray and wish a very successful and glorious future for this High Court and I have full trust that this great Institution will continue to grow and enrich itself constitutionally, legally and academically.

Thank You.

Jai Hind.
