



सत्यमेव जयते

**UTTARAKHAND COURT NEWS**  
(A Quarterly Court Magazine)

**Vol.-X Issue No.-I (January-March, 2019)**



Hon'ble Mr. Justice Sudhanshu Dhulia  
Hon'ble Mr. Justice Alok Singh  
Hon'ble Mr. Justice Sharad Kumar Sharma

**COMPILED BY**

Pradeep Pant, Registrar General, High Court of Uttarakhand  
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**UTTARAKHAND HIGH COURT****LIST OF JUDGES (As on 31 March, 2019)**

<b>Sl. No.</b>	<b>Name of the Hon'ble Judge</b>	<b>Date of Appointment</b>
<b>1.</b>	<b>Hon'ble Mr. Justice Ramesh Ranganathan (Chief Justice)</b>	<b>02.11.2018</b>
<b>2.</b>	<b>Hon'ble Mr. Justice Sudhanshu Dhulia</b>	<b>01.11.2008</b>
<b>3.</b>	<b>Hon'ble Mr. Justice Alok Singh</b>	<b>26.02.2013</b>
<b>4.</b>	<b>Hon'ble Mr. Justice Lok Pal Singh</b>	<b>19.05.2017</b>
<b>5.</b>	<b>Hon'ble Mr. Justice Manoj Kumar Tiwari</b>	<b>19.05.2017</b>
<b>6.</b>	<b>Hon'ble Mr. Justice Sharad Kumar Sharma</b>	<b>19.05.2017</b>
<b>7.</b>	<b>Hon'ble Mr. Justice Narayan Singh Dhanik</b>	<b>03.12.2018</b>
<b>8.</b>	<b>Hon'ble Mr. Justice Ramesh Chandra Khulbe</b>	<b>03.12.2018</b>
<b>9.</b>	<b>Hon'ble Mr. Justice Ravindra Maithani</b>	<b>03.12.2018</b>

\* \* \* \* \*

## Transfers and Promotions of Judicial Officers

S.N.	Name & Designation of the Officer	Place of Transfer/promotion	Date of Order
1	Sri Sikand Kumar Tyagi, Presiding Officer, Labour Court, Dehradun	District & Sessions Judge, Uttarkashi	05.01.2019
2	Ms. Meena Deopa, Civil Judge (Sr.Div) Hardwar	Chief Judicial Magistrate, Hardwar	21.01.2019
3	Ms. Rajani Shukla, 1 <sup>st</sup> Adl. Civil Judge (Sr.Div) Hardwar	Civil Judge (Sr.Div) Hardwar	21.01.2019
4	Sri Vivek Srivastava, 1 <sup>st</sup> Adl. Civil Judge (Sr.Div) Dehradun	Chief Judicial Magistrate, Dehradun	21.01.2019
5	Sri Maninder Mohan Pandey, Chief Judicial Magistrate, Dehradun	Civil Judge (Sr. Div.) Dehradun	21.01.2019
6	Sri Mukesh Chandra Arya, Addl. Chief Judicial Magistrate, Haldwani	Chief Judicial Magistrate, Nainital	21.01.2019
7	Smt. Manju Singh Munde, 2 <sup>nd</sup> Adl. Civil Judge (Sr. Div.) Dehradun	1 <sup>st</sup> Adl. Chief Judicial Magistrate, Dehradun	21.01.2019
7	Sri Ramesh Singh, 1 <sup>st</sup> Adl. Chief Judicial Magistrate, Dehradun	1 <sup>st</sup> Adl. Civil Judge, (Sr. Div.) Dehradun.	21.01.2019
9	Sri Jayendera Singh, Civil Judge, (Sr. Div.)/Secretary DLSA Pauri Garhwal	Addl. Chief Judicial Magistrate, Roorkee District Haridwar	21.01.2019
10	Smt. Jyoti Bala, Addl. Judge, Family Court, Roorkee District Haridwar	1 <sup>st</sup> Adl. Civil Judge, (Sr. Div.) Haridwar	21.01.2019
11	Ms. Rinky Sahani, 3 <sup>rd</sup> Adl. Chief Judicial Magistrate, Dehradun	2 <sup>nd</sup> Adl. Chief Judicial Magistrate, Dehradun	21.01.2019
12	Shahzad Ahmad Wahid, 4 <sup>th</sup> Adl. Chief Judicial Magistrate, Dehradun	2 <sup>nd</sup> Adl. Civil Judge (Sr. Div.) Dehradun	21.01.2019
13	Ms. Vibha Yadav, 5 <sup>th</sup> Adl. Chief Judicial Magistrate, Dehradun	3 <sup>rd</sup> Adl. Chief Judicial Magistrate, Dehradun	21.01.2019

14	Sri Avinash Kumar Srivastava, 4 <sup>th</sup> Addl. Civil Judge, (Sr. Div.) Dehradun	4 <sup>th</sup> Addl. Chief Judicial Magistrate, Dehradun	21.01.2019
15	Sri Sachin Kumar, 5 <sup>th</sup> Addl. Civil Judge, (Sr. Div.) Dehradun	4 <sup>th</sup> Addl. Civil Judge, (Sr. Div.) Dehradun.	21.01.2019
16	Sri Sanjeev Kumar, 3 <sup>rd</sup> Addl. Civil Judge (Sr. Div.) U. S. Nagar	Principal Magistrate, Juvenile Justice Board, U. S. Nagar.	21.01.2019
17	Sri Sandeep Singh Bhandari, 3 <sup>rd</sup> Addl. Civil Judge (Sr. Div.) Haridwar	Principal Magistrate, Juvenile Justice Board, Haridwar	21.01.2019
18	Ms. Shama Nargis, Civil Judge (Jr. Div.), Kashipur, District U. S. Nagar	Civil Judge (Sr. Div.), Bageshwar	21.01.2019
19	Ms. Neha Kushwaha, Civil Judge (Jr. Div.) Haldwani, District Nainital	Promoted to Civil Judge (Sr. Div.) as Secretary DLSA, Dehradun.	21.01.2019
20	Ms. Anita Kumari, Civil Judge, (Jr. Div.), Roorkee, District Haridwar	Civil Judge (Sr. Div.), Pauri Garhwal	21.01.2019
21	Ms. Neha Qayyum, Judicial Magistrate, Pithoragarh	4 <sup>th</sup> Addl. Civil Judge (Sr. Div.), U. S. Nagar	21.01.2019
22	Sri Akram Ali, Civil Judge (Jr. Div.), Pithoragarh	5 <sup>th</sup> Addl. Civil Judge (Sr. Div.), U.S. Nagar	21.01.2019
23	Sri Neeraj Kumar, Civil Judge (Jr. Div.) Dehradun	Chief Judicial Magistrate, Uttarkashi	21.01.2019
24	Sri Ashok Kumar, Civil Judge (Jr. Div.), Tharali, District Chamoli	Promoted to Civil Judge (Sr. Div.) as Secretary DLSA, Tehri Garhwal.	21.01.2019
25	Smt. Payal Singh, Civil Judge (Jr. Div.)/Principal Magistrate/Judicial Magistrate 1 <sup>st</sup> Class Juvenile Justice Board, Haridwar	Addl. Chief Judicial Magistrate, Haldwani District Nainital	21.01.2019
26	Ms. Nazis Kaleem, Civil Judge (Jr. Div.) Khatima, District U.S. Nagar	Civil Judge (Sr. Div.) Champawat	21.01.2019
27	Ms. Rashmi Goel, Civil Judge (Jr. Div.) Rishikesh	Civil Judge (Sr. Div.) Pithoragarh	21.01.2019

28	Sri Akhilesh Kumar Pandey, 1 <sup>st</sup> Addl. Civil Judge (Jr. Div.) Kashipur, District U. S. Nagar	Chief Judicial Magistrate, Chamoli	21.01.2019
29	Sri Imran Mohd. Khan, Civil Judge (Jr. Div.)/Principal Magistrate/Judicial Magistrate 1 <sup>st</sup> Class Juvenile Justice Board, U.S. Nagar	Addl. Chief Judicial Magistrate, Nainital	21.01.2019
30	Sri Sachin Kumar Pathak, Civil Judge (Jr. Div.)/Judicial Magistrate, Laksar District Haridwar	Chief Judicial Magistrate, Rudraprayag	21.01.2019
31	Sri Punit Kumar, Civil Judge (Jr. Div.), Lansdowne, District Pauri Garhwal	5 <sup>th</sup> A.C.J.M. Dehradun	21.01.2019
32	Sri Rajesh Kumar, Civil Judge (Jr. Div.) Haridwar	Addl. Civil Judge (Sr. Div.) Tehri Garhwal	21.01.2019
33	Sri Daya Ram, J.M. II, Haldwani District Nainital	Civil Judge (Jr. Div.), Haldwani District Nainital	21.01.2019
34	Sri Mihtilesh Pandey, 3 <sup>rd</sup> Addl. Civil Judge (Jr. Div.) Dehradun	Civil Judge (Jr. Div.) Dehradun	21.01.2019
35	Sri Ravindra Dev Mishra, 1 <sup>st</sup> Addl. Civil Judge (Jr. Div.) Haridwar	Civil Judge (Jr. Div.) Haridwar	21.01.2019
36	Sri Kapil Kumar Tyagi, 1 <sup>st</sup> Addl. Civil Judge (Jr. Div.) Roorkee District Haridwar	Civil Judge (Jr. Div.) Roorkee, Haridwar	21.01.2019
37	Ms. Anamika, Addl. Civil Judge, (Jr. Div.) Rishikesh District Dehradun	Civil Judge (Jr. Div.) Rishikesh, Dehradun	21.01.2019
38	Ms. Beenu Guliyani, Addl. Civil Judge (Jr. Div.) Khatima, District U. S. Nagar	Civil Judge (Jr. Div.) Khatima, District U.S.Nagar	21.01.2019
39	Ms. Sahista Bano, Judicial Magistrate, Chamoli	Civil Judge (Jr. Div.) Tharali District Chamoli	21.01.2019
40	Ms. Jayshree Rana, 2 <sup>nd</sup> Addl. Civil Judge (Jr. Div.) Nainital	1 <sup>st</sup> Addl. Civil Judge (Jr. Div.) Nainital	21.01.2019
41	Ms. Bushra Kamal, Civil Judge (Jr. Div.) U.S. Nagar	2 <sup>nd</sup> Addl. Civil Judge (Jr. Div.) Nainital	21.01.2019
42	Sri Puneet Kumar, 1 <sup>st</sup> Addl. Civil Judge, (Jr. Div.) U.S. Nagar	Civil Judge (Jr. Div.) U.S. Nagar	21.01.2019

43	Ms. Minakshi Dubey, J. M. Kashipur, District U. S. Nagar	Civil Judge (Jr. Div.) Kashipur District U. S. Nagar	21.01.2019
44	Sri Vivek Singh Rana, J. M. Kotdwar, District Pauri Garhwal	Addl. Charge of Civil Judge (Jr. Div.) Lansdowne, District Pauri Garhwal	21.01.2019
45	Sri Rajneesh Mohan, 4 <sup>th</sup> Addl. Civil Judge (Jr. Div.) Haridwar	Civil Judge (Jr. Div.) Laksar, District Haridwar	13.02.2019
46	Sri Ravi Ranjan, Civil Judge (Jr. Div.), Didihat District Pithoragarh	Addl. Charge of Civil Judge (Jr. Div.) Dharchula, District Pithoragarh with the direction to hold camp court at Dharchula for three or four days in a month.	23.02.2019

\* \* \* \* \*

## Circulars



From:

Registrar General,  
High Court of Uttarakhand,  
Nainital.

To,

1. All the District Judges, Subordinate to High Court of Uttarakhand.
2. Principal Secretary Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
3. Principal Secretary Law-cum-L.R., Government of Uttarakhand, Dehradun.
4. Director, Uttarakhand Judicial And Legal Academy, Bhowali, Distt. Nainital.
5. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Hardwar Road, Dehradun.
6. Chairman, State Transport Appellate Tribunal, 3/5 A, Race Course, Near Rinku Medicose, Dehradun.
7. Legal Advisor to Hon'ble the Governor of Uttarakhand, Dehradun.
8. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun.
9. Principal Judge, Family Court, Dehradun and Judges of all Family Courts of the State.
10. Registrar, State Consumer Disputes Redressal Commission, Uttarakhand, 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, Distt. Nainital.
13. Presiding Officer, Labour Courts, Dehradun, Hardwar and Kashipur, Distt. Udham Singh Nagar.
14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun and Haldwani, District Nainital.
15. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
16. Chairman, Uttarakhand Co-operative Tribunal, Dehradun.
17. Registrar-cum-Secretary, State Level Police Complaint Authority, Dehradun.
18. Chairman, Permanent Lok Adalat, Dehradun, Hardwar, Nainital and Udham Singh Nagar.

C.L. No. 6 | /UHC/Admin.A/2019

Dated: Feb. 28, 2019.

**Subject:** L.T.C. during Court working days.

Sir/Madam,

With regard to subject cited above, it has come to the notice of the High Court that Judicial Officers of the State Judiciary are applying for long Earned Leave on working days for availing L.T.C. facility. Whereas, as per the provision contained in para 10 of G.O. No. 54-Ek (1)XXXIV(1)/2006-6-Ek(2)/2006 dated 25.08.2006, a Judicial Officer may apply even a single day Earned Leave for the purpose of L.T.C.

In view of the above, I have been directed to request all Judicial Officers to avail L.T.C. during Court holidays clubbing it with minimum Earned Leave.

You are, therefore, requested to bring the above directions 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 of Uttarakhand Judiciary.
2. Director, Uttarakhand Judicial & Legal Academy, Bhowali, District Nainital.

C.L. No. 62 /UHC/Admin.A/2019

Dated: March 11, 2019.

**Subject:** Quantum of work for the Judicial Officers in respect of disposal of cases u/s 138 of N.I. Act, 1881.

Sir/Madam,

With regard to subject cited above, I have been directed to inform that Hon'ble the Court has been pleased to resolve to enhance the quota, in disposal of cases under Section 138 of the Negotiable Instruments Act, 1881, to 1 ½ cases per day and for compounding of offences under Section 138, to 12 cases per day. Hence, C.L. No. 05/X-b-16/Ins/2004 dated 02.04.2004 stands modified accordingly.

You are, therefore, informed accordingly with the request to bring the contents of the above circular letter to the notice of all the Judicial Officers.



From,

Registrar General,  
High Court of Uttarakhand,  
Nainital.

To,

All the District Judges,  
Principal Judge/Judges Family Courts,  
Subordinate to the  
High Court of Uttarakhand.

C.L.No. 03 /UHC/Admn. B/ XVII /2/2006-2011

Dated: - March |2, 2019.

Sub: Modification in C.L.No.10/IX-g-11 dated 29th January, 1973.

Sir,

Kindly take reference of above mentioned C.L dated 29.01.1973 wherein it is provided that the District Judges may close the courts only for half a day and only in the following circumstances:-

1. When a sitting or retired Chief Justice or Judge of the Supreme Court or a sitting or retired Chief Justice or a Judge of the Court or a sitting or retired judicial officer or a senior or prominent member of the Bar dies,  
and
2. when the death or funeral or cremation of such person takes place in the district.

If however, the death or cremation or funeral of such a person has taken place early or in a different district, the court should not be closed at all.

In this regard Hon'ble Court is pleased to modify the above said C.L. and it is directed that the words "for half a day" is substituted by the words "after 03:30 p.m."

You are, therefore, informed accordingly.

**HIGH COURT OF UTTARAKHAND**  
**NAINITAL**  
**NOTIFICATION**

No. 04/UHC/Admin.A/2019

Dated: January 03 , 2019

In exercise of powers conferred by Sub Section (2) of Section 19 of the Bengal, Agra, and Assam Civil Courts Act, 1887 (Act No. XII of 1887) [also applicable to the State of Uttarakhand] read with Government of Uttarakhand Notification No. 420-Ek (1)/XXXVI (1)/ Nyay Anubhag/2005 dated 07.11.2005, the High Court is pleased to direct that the following 15 Civil Judges (Jr.Div.), posted in the State of Uttarakhand, shall have jurisdiction to try Civil Suits of pecuniary value not exceeding ` 1.00 Lac.

S.No.	Name
1.	Sri Bhupendra Singh Shah
2.	Ms. Minakshi Dubey
3.	Ms. Bhawna Pandey
4.	Sri Vivek Singh Rana
5.	Ms. Shikha Bhandari
6.	Sri Rizwan Ansari
7.	Ms. Kanchan Chaudhary
8.	Ms. Shalini Dadar
9.	Ms. Nisha Devi
10.	Ms. Shivani Nahar
11.	Sri Rohit Joshi
12.	Sri Shambhu Nath Singh Sethwal
13.	Sri Laval Kumar Verma
14.	Sri Kuldeep Narayan
15.	Sri Anil Kumar Kori

**By order of the Court,**

**HIGH COURT OF UTTARAKHAND**  
**NAINITAL**  
**NOTIFICATION**

No. 1/UHC/Admin.A/2019

Dated: January 7, 2019

In exercise of powers conferred U/S 11(3) of the Code of Criminal Procedure, 1973, following Judicial Officers of the rank of Civil Judge (Jr. Div.) are conferred with the powers of Judicial Magistrate 1<sup>st</sup> Class to exercise these powers within the district where they remain posted.

S.No.	Name
1.	Sri Bhupendra Singh Shah
2.	Ms. Minakshi Dubey
3.	Ms. Bhawna Pandey
4.	Sri Vivek Singh Rana
5.	Ms. Shikha Bhandari
6.	Sri Rizwan Ansari
7.	Ms. Kanchan Chaudhary
8.	Ms. Shalini Dadar
9.	Ms. Nisha Devi
10.	Ms. Shivani Nahar
11.	Sri Rohit Joshi
12.	Sri Shambhu Nath Singh Sethwal
13.	Sri Laval Kumar Verma
14.	Sri Kuldeep Narayan
15.	Sri Anil Kumar Kori

**By order of the Court,**

**HIGH COURT OF UTTARAKHAND, NAINITAL**  
**NOTIFICATION**

**No. 77/ UHC/XVII-a-11/Admin. A/2016**

**Dated: February, 22 2019.**

In exercise of the powers conferred under sub-section (2) of Section 11 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the High Court of Uttarakhand hereby specially empowers all the Judicial Magistrates, 1<sup>st</sup> Class under sub-section (1) of Section 32 of the Bureau of Indian Standards Act, 2016 to try the offences punishable under the said Act.

**By order of the Court,**

## INSTITUTION, DISPOSAL AND PENDENCY OF CASES

### ➤ HIGH COURT OF UTTARAKHAND (From 01.01.2019 to 31.03.2019)

						<b>Pendency (As on 01.01.2019)</b>		
						<b>Civil Cases</b>	<b>Criminal Cases</b>	<b>Total Pendency</b>
						<b>21344</b>	<b>12705</b>	<b>34049</b>
<b>Institution ( 01.01.2019 to 31.03.2019)</b>			<b>Disposal ( 01.01.2019 to 31.03.2019)</b>			<b>Pendency (As on 31.03.2019)</b>		
<b>Civil Cases</b>	<b>Criminal Cases</b>	<b>Total Institution</b>	<b>Civil Cases</b>	<b>Criminal Cases</b>	<b>Total Disposal</b>	<b>Civil Cases</b>	<b>Criminal Cases</b>	<b>Total Pendency at the end of 31.03.19</b>
<b>3231</b>	<b>2198</b>	<b>5429</b>	<b>2508</b>	<b>2225</b>	<b>4733</b>	<b>22067</b>	<b>12678</b>	<b>34745</b>

## District Courts

(From 01.01.2019 to 31.03.2019)

SL. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 31.03.19
		Opening Balance as on 01.01.19	Institution from 01.01.19 to 31.03.19	Disposal from 01.01.19 to 31.03.19	Pendency at the end of 31.12.18	Opening Balance as on 01.01.19	Institution from 01.01.19 to 31.03.19	Disposal from 01.01.19 to 31.03.19	Pendency at the end of 31.03.19	
1.	Almora	356	99	86	369	883	880	898	865	1234
2.	Bageshwar	120	51	47	124	374	516	503	387	511
3.	Chamoli	271	86	81	276	833	422	396	859	1135
4.	Champawat	189	34	23	200	1288	796	732	1352	1552
5.	Dehradun	12219	2930	3175	11974	86210	41156	53802	73564	85538
6.	Haridwar	10427	1345	1535	10237	47615	17650	16104	49161	59398
7.	Nainital	2313	349	381	2281	14085	9621	8969	14737	17018
8.	Pauri Garhwal	1013	163	200	976	4534	1427	1348	4613	5589
9.	Pithoragarh	467	123	89	501	1019	619	568	1070	1571
10.	Rudraprayag	119	37	54	102	906	360	313	953	1055
11.	Tehri Garhwal	298	104	81	321	1925	1144	831	2238	2559
12.	Udham Singh Nagar	5777	1301	1271	5807	37674	11803	11546	37931	43738
13.	Uttarkashi	469	141	88	522	954	852	628	1178	1700
	<b>Total</b>	<b>34038</b>	<b>6763</b>	<b>7111</b>	<b>33690</b>	<b>198300</b>	<b>87246</b>	<b>96638</b>	<b>188908</b>	<b>222598</b>

## Family Courts

(From 01.01.2019 to 31.03.2019)

SL. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 31.03.19
		Opening Balance as on 01.01.19	Institution from 01.01.19 to 31.03.19	Disposal from 01.01.19 to 31.03.19	Pendency at the end of 31.10.319	Opening Balance as on 01.01.10	Institution from 01.10.18 to 31.12.18	Disposal from 01.01.19 to 31.03.19	Pendency at the end of 31.03.19	
1.	Almora	59	33	29	<b>63</b>	42	24	28	<b>38</b>	<b>101</b>
2.	Dehradun	1744	494	521	<b>1717</b>	941	207	186	<b>962</b>	<b>2679</b>
3.	Rishikesh	238	66	74	<b>230</b>	184	50	47	<b>187</b>	<b>417</b>
4.	Vikasnagar	109	52	42	<b>119</b>	181	47	48	<b>180</b>	<b>299</b>
5.	Nainital	203	38	65	<b>176</b>	293	54	70	<b>277</b>	<b>453</b>
6.	Haldwani	395	85	58	<b>422</b>	684	76	37	<b>723</b>	<b>1145</b>
7.	Haridwar	722	164	155	<b>731</b>	692	133	103	<b>722</b>	<b>1453</b>
8.	Roorkee	529	169	121	<b>577</b>	597	137	90	<b>644</b>	<b>1221</b>
9.	Laksar	82	43	19	<b>106</b>	98	29	23	<b>104</b>	<b>210</b>
10.	Kotdwar	209	44	6	<b>247</b>	267	38	1	<b>304</b>	<b>551</b>
11.	Pauri Garhwal	76	21	12	<b>85</b>	126	19	16	<b>129</b>	<b>214</b>
12.	Tehri Garhwal	60	26	17	<b>69</b>	39	8	9	<b>38</b>	<b>107</b>
13.	U.S.Nagar	390	108	128	<b>370</b>	485	90	76	<b>499</b>	<b>869</b>
14.	Kashipur	383	86	47	<b>422</b>	394	59	35	<b>418</b>	<b>840</b>
15.	Khatima	132	50	29	<b>153</b>	141	28	14	<b>155</b>	<b>308</b>
	<b>Total</b>	<b>5331</b>	<b>1479</b>	<b>1323</b>	<b>5487</b>	<b>5164</b>	<b>999</b>	<b>783</b>	<b>5380</b>	<b>10867</b>



## Some Recent Judgments of Uttarakhand High Court

### Division Bench Judgments

1. *In SPA No. 88 of 2012, Lord Mahadev Trust vs. State of Uttarakhand and ors.*, decided on 08.01.2019, the Bench observed that the property of a citizen cannot be acquired by the State and / or its agencies / instrumentalities without complying with the mandate of Sections 4, 5-A and 6 of the Act. A public purpose, however laudable it may be, does not entitle the State to invoke the urgency provisions as it has the effect of depriving the owner of his right to the property without being heard. Only in case of real urgency can the State invoke the urgency provisions and dispense with the requirement of hearing the land owner or other interested persons. The rules of natural justice have been ingrained in the scheme of Section 5-A with a view to ensure that, before any person is deprived of his land by way of compulsory acquisition, he must get an opportunity to oppose the decision of the State Government and / or its agencies / instrumentalities to acquire the particular parcel of land. At the hearing, the objector can make an effort to convince the Land Acquisition Collector to make his recommendations against the acquisition of his land. He can also point out that the land, proposed to be acquired, is not suitable for the purpose specified in the notification issued under Section 4(1). Not only this, he can produce evidence to show that another piece of land is available, and the same can be utilised for execution of the particular project or scheme. The circumstances in which the power of emergency can be invoked are specified in Section 17(2), but circumstances necessitating invocation of urgency under Section 17(1) read with Section 17(4) are not stated in the provisions themselves. As an important and valuable right of the person interested in the land is being taken away, and with some effort enquiry can always be completed expeditiously, the urgency provision should be invoked sparingly. The exceptional and extra-ordinary power of doing away with an enquiry under Section 5-A in a case where possession of the land is required urgently,

or in an unforeseen emergency, is provided in Section 17 of the Act. Such power is not a routine power and, save circumstances warranting immediate possession, it should not be lightly invoked. The Government should apply its mind on whether the urgency is of such a nature that necessitates dispensation of the enquiry under Section 5-A. In the matter of compensation for land acquisition, the approach of the Court has to be pragmatic and not pedantic.

2. ***In CRLA No. 56 of 2017, Gulab Singh alias Kunal vs. State of Uttarakhand with CRLA No. 76 of 2017, Mukesh Kumar vs. State of Uttarakhand***, decided on 09.01.2019, the Bench observed that minor discrepancies in the statement of the witness are natural and it always transpires confidence. But which discrepancy in the statement of a witness is minor or which is such a major discrepancy, that may doubt the veracity of the statement of a witness, depends upon facts and circumstances of each case.
3. ***In SPA No.901 of 2018, The Nainital Bank Ltd. vs. M/s Naveen Kisan Rice Mill and ors.***, decided on 10.01.2019, the Bench observed that a provision must be construed according to the natural meaning of the language used. The Court, in interpreting a Statute, must therefore proceed without seeking to add words which are not to be found in the Statute. Statutory language must always be given presumptively the most natural and ordinary meaning which is appropriate in the circumstances. In construing a statutory provision, the first and foremost rule of construction is the literal construction. All that the court has to see, at the very outset, is what does that provision say. If the provision is unambiguous and if, from that provision, the legislative intent is clear, the Court need not call into aid other rules of construction of Statutes, nor would it be open to the Courts to adopt any other hypothetical construction on the ground that such hypothetical construction is more consistent with the alleged object and policy of the Act.

The Court must ascertain the intention of the legislature by directing its attention not merely to the clauses to be construed but to other provisions of the Statute also. It must compare the clause with the other parts of the law, and the setting in which the clause to be interpreted occurs. No part of a statute and no word of a statute

can be construed in isolation. Statutes have to be construed so that every word has a place and everything is in its place.

4. *In CRLA No. 427 of 2013, Ashok Kumar vs. State of Uttarakhand with CRLA No. 447 of 2013, Pramod Gupta vs. State of Uttarakhand*, decided on 21.02.2019, the Bench observed that the as far as delay in lodging the FIR is concerned, particularly in a case of rape, it is not fatal, or even significant in every case. It all depends on the nature and fact of the case. The court must look into the nature of the case and the explanation for the delay. The delay would not be significant where the prosecution has a reasonable explanation for the delay. In other words, delay itself will not weaken the case of the prosecution, when it is reasonable, or where it is suitably explained.

The Bench further observed that evidence has to be weighed and not counted. It is the quality of evidence that matters, and yes conviction can be based on the sole testimony of the prosecutrix, which is a settled principle of law. But when conviction can be based on the sole testimony of the prosecutrix, then the court must be very careful in evaluating such evidence. The settled principle of law on this is also that if the evidence of the prosecutrix is found to be credible and inspires confidence of the court, then it can be relied upon by the court and it need not be even corroborated by any other evidence. The evidence of the prosecutrix in such cases is at par with the evidence of an injured witness. But if in a case this evidence is not of the level as mentioned above, the court must look for corroboration elsewhere.

5. *In WP (S/B) No. 173 of 2018, Dr. Aneeta Yadav vs. Govind Ballabh Pant University of Agriculture and Technology, Pantnagar, Udham Singh Nagar and ors., with WP (S/B) No. 153 of 2018, Vineet Kumar vs. G.B. Pant University of Agriculture and Technology, Pantnagar and ors.*, decided on 22.02.2019, the Bench observed that it is the substance of the matter which determines the character of the termination of services, and must be determined by reference to the material facts that existed prior to the order. A temporary Govt. servant has no right to hold the post, and termination

of such a Govt. servant does not visit him with any evil consequences. Mere use of expressions like 'terminate' or 'discharge' is not conclusive and, inspite of the use of such expressions, the Court may determine the true nature of the order, to ascertain whether the action taken against the Govt. servant is punitive in nature, applying two tests namely: (1) whether the temporary Govt. servant had a right to the post or the rank, or (2) whether he has been visited with evil consequences; and if either of the tests are satisfied, it must be held that the order of termination of a temporary Govt. servant is by way of punishment. The evil consequences do not include the termination of services of a temporary Govt. servant in accordance with the terms and conditions of service. The motive operating in the mind of the authority, in terminating the services of a temporary servant, does not alter the character of the termination, and is not material in determining the said character.

Reference to an erroneous provision in the impugned order, or failure to refer to the provision which confers power to impose punishment, would therefore not vitiate the order of punishment as the source of power, to terminate the services of the petitioner, is traceable to the declaration clause of the prescribed application form.

6. ***In SPA No. 263 of 2017, State of Uttarakhand and ors., vs. Uttaranchal Van Shramik Sangh along with 47 connected matters***, decided on 22.02.2019, the Bench observed that a daily wager, if he was discharging similar duties as those in regular employment of the Government, should at least be entitled to receive the minimum of the pay-scale, though he might not be entitled to any increment or any other allowance that is permissible to his counter-part in the Government.
7. ***In WP(S/B) No. 99 of 2019, Dr. Parveen vs. Director General, Indian Council of Forestry Research & Education and ors.***, decided on 19.03.2019, the Bench observed that Transfer of a public servant, on administrative grounds or in public interest, should not be interfered with unless there are strong and compelling grounds rendering the transfer order improper and unjustifiable. Who should be transferred, and posted where, is a matter for the administrative authority to decide. Unless the order of transfer is vitiated by malafides or is made in violation of any operative guidelines or rules, Courts should not, ordinarily, interfere with it. A government servant holding a

transferable post has no vested right to remain posted at one place, and is liable to be transferred from one place to the other. Transfer orders, issued by the competent authority, do not violate any of his legal rights. Unless the order of transfer is shown to be an outcome of a mala-fide exercise of power or as violative of any statutory provision (an Act or rule) or is passed by an authority not competent to do so, it cannot lightly be interfered with as a matter of course or for every type of grievance sought to be made.

It is further observed that while exercising the power of judicial review, the High Court should not readily accept the charge of malus animus laid against the State and its functionaries. The burden to prove the charge of malafides is always on the person who moves the court for invalidation of the action of the State and/or its agencies and instrumentalities on the ground that the same is vitiated due to malafides. The Court should resist the temptation of drawing dubious inferences of malafides or bad faith on the basis of vague and bald allegations or inchoate pleadings.

### Single Bench Judgments

1. ***In C-482 No. 82 of 2018, Dr. Swetabh Suman vs. Central Bureau of Investigation CBI***, decided on 01.02.2019, the Bench observed that no text can be ever appreciated in isolation. It has always to be tested in context. The statement has to be read in its entirety.
2. ***In WP (M/S) No. 2828 of 2018, Km. Renu Negi vs. Union of India and ors.***, decided on 19.02.2019, the Bench observed that in the matter of benevolent scheme hyper-technical approach should be avoided.
3. ***In C-482 No. 969 of 2010, Smt. Amit Pal and another vs. State of Uttarakhand and another***, decided on 20.02.2019, the Bench observed that at the stage of cognizance and summoning the Magistrate is required to apply his judicial mind only with a view to take cognizance of the offence to find out whether a prima facie case is made out

for summoning the accused persons.

4. ***In S.A. No. 123 of 2018, Devkinandan Bhatt and another vs. Smt. Krishna Tiwari and ors.***, decided on 26.02.2019, the Bench observed that the question of title in a Suit involving a decree of injunction is only incidental. Any decision attaching or having an element of declaration rendered in a suit for a permanent injunction will not be treated as to be an ultimate declaration in relation to a right of a party to the proceedings.
5. ***In WP (S/S) No. 3287 of 2017, Anjali Singh vs. State of Uttarakhand and ors.***, decided on 28.02.2019, the Bench observed that a married daughter, who is separated after marriage would be a dependent on the father, excluding her from consideration under harness rules would be a gender discrimination, as she cannot be treated to be excluded from dependency merely because of the fact of marriage, if she has been separated and divorced it would violate Article 15(2) of the Constitution of India on the ground of sex, because under the Rules of 1974, no such distinction as such can be made in relation to son who is not affected whether divorced, separated or not. This would be arbitrary and violative of Articles 14, 15 and 16 of the Constitution of India as it creates an artificial distinction between married son and married daughter only on the basis of sex, because under the rules married son or divorced son has not been separately distinguished they stand included in the definition of family. Hence there was no reason and rationale as to why divorced daughter would be excluded.
6. ***In CRLR No. 79 of 2019, Mahendra Singh vs. State of Uttarakhand and another***, decided on 06.03.2019, the Bench observed that the powers under Section 311 of Cr.P.C. are inherent and can be exercised by the courts to meet the ends of justice. The power is in the widest terms exercisable at any stage so long as court is in seisin of the proceeding but the accused entitled to fair and reasonable opportunity to rebut the evidence brought on record against him pursuant to exercise of such power.

7. ***In WP (M/S) No. 1694 of 2015, Malkeet Singh vs. Delvinder Singh Sandhu and another***, decided on 26.03.2019, the Bench observed that Order 21 Rule 101 stipulates that all questions "arising between the parties to a proceeding on an application under rule 97 or rule 99" shall be determined by the executing court, if such questions are "relevant to the adjudication of the application". The object behind this mandate is obviously to get all the issues of any title or rights in the subject matter of the decree in the execution proceedings so that the parties to the execution proceedings as also all those claiming any interest in the subject matter of the decree, are not pushed to multiplicity of litigation and all rights relating to the subject matter of the decree, are determined and decided, once for all. . The Court cannot shirk its responsibility by skirting the relevant issues arising in the case.
8. ***In A.O. No. 464 of 2010, M/s Indian Oil Corporation vs. Uttarakhand Power Corporation and another***, decided on 27.03.2019, the Bench observed that if the party against whom the judgment is passed did not challenge the order before a higher court and subsequently some law is laid down by the higher court on the same issue, the party cannot be given any benefit of the judgment. Not challenging immediately before the higher court has occasioned to waiver and on subsequent date after coming to know that the judgment has come from the court of law in favour of the review applicant, the review applicant cannot take the benefit of said judgment.
9. ***In WP (M/S) No. 1072 of 2016, Uttarakhand Forest Development Corporation and ors. Vs. Anoop Chandra Bhatt with 18 connected matters***, decided on 27.03.2019, the Bench observed that as far as the entitlement of the back wages are concerned, the workman cannot be faulted of in any manner for the reason that the workman would be entitled for back wages .Even if the workmen have not claimed the back wages, the Court was to award the same irrespective of the claim raised for it.

## Major Events & Initiatives

- 1. Republic Day Celebration:-** On 26<sup>th</sup> the January 2019 ,Republic Day was celebrated in High Court premises with great enthusiasm. On this occasion, National flag was hoisted by Hon'ble Mr. Justice Lok Pal Singh and Hon'ble Mr. Justice Ravindra Maithani graced the occasion. All the officers, officials of Registry and Advocates were also present to mark the occasion.

### Programmes attended by Hon'ble Judges ( From January- March, 2019)

- 1.** Hon'ble Mr. Justice Ravindra Maithani visited National Judicial Academy, Bhopal to attend Conference for High Court Justices on Intellectual Property Rights during the period 08.02.2019 to 10.02.2019. He also visited Uttarakhand Judicial and Legal Academy, Bhowli, Nainital to attend the North Zone-II Conference on Enhancing Excellence of the Judicial Institution, Challenges & Opportunities during the period from 30.03.2019 to 31.03.2019.
- 2.** Hon'ble Mr. Justice Ramesh Ranganathan, the Chief Justice had bestowed his presence in North Zone-II Conference on Enhancing Excellence of the Judicial Institution, Challenges & Opportunities at Uttarakhand Judicial and Legal Academy, Bhowali, Nainital during the period from 30.03.2019 to 31.03.2019.
- 3.** Hon'ble Mr. Justice Sudhanshu Dhulia, visited Uttarakhand Judicial and Legal Academy, Bhowali, Nainital to deliver a talk in North Zone-II, Conference on Enhancing Excellence of the Judicial Institution, Challenges & Opportunities during the period from 30.03.2019 to 31.03.2019.



4. Hon'ble Mr. Justice Lok Pal Singh, visited Uttarakhand Judicial and Legal Academy, Bhowali, Nainital to deliver a talk in North Zone-II, Conference on Enhancing Excellence of the Judicial Institution, Challenges & Opportunities during the period from 30.03.2019 to 31.03.2019.
5. Hon'ble Mr. Justice Manoj Kumar Tiwari, visited Uttarakhand Judicial and Legal Academy, Bhowali, Nainital to attend North Zone-II, Conference on Enhancing Excellence of the Judicial Institution, Challenges & Opportunities during the period from 30.03.2019 to 31.03.2019.
6. Hon'ble Mr. Justice Sharad Kumar Sharma, visited Uttarakhand Judicial and Legal Academy, Bhowali, Nainital to attend North Zone-II, Conference on Enhancing Excellence of the Judicial Institution, Challenges & Opportunities during the period from 30.03.2019 to 31.03.2019.
7. Hon'ble Mr. Justice Narayan Singh Dhanik, visited Uttarakhand Judicial and Legal Academy, Bhowali, Nainital to attend North Zone-II, Conference on Enhancing Excellence of the Judicial Institution, Challenges & Opportunities during the period from 30.03.2019 to 31.03.2019.
8. Hon'ble Mr. Justice Ramesh Chandra Khulbe, visited Uttarakhand Judicial and Legal Academy, Bhowali, Nainital to attend North Zone-II, Conference on Enhancing Excellence of the Judicial Institution, Challenges & Opportunities during the period from 30.03.2019 to 31.03.2019.

**ACTIVITIES OF STATE LEGAL SERVICE AUTHORITY (SLSA) FOR THE MONTHS OF  
JANUARY TO FEBRUARY, 2019**

**NATIONAL LOK ADALATS**

As per directions of National Legal Services Authority and under the valuable guidance of Hon'ble the Executive Chairman, Uttarakhand State Legal Services Authority, a National Lok Adalat was organized in the State of Uttarakhand from Tehsil Level to High Court Level in all the Courts and Quasi Judicial Authorities on 08.12.2018. In the said National Lok Adalat, apart from the civil and criminal cases, the matters pertaining to labour disputes, revenue disputes, land acquisition act, family disputes, MACT, NI Act, water and electricity and all such matters which can be settled amicably were taken up.

In the said National Lok Adalat, a total number of **9305** cases were taken up and out of them **3154** cases were settled amicably. Amount to the tune of **Rs. 33,04,18,853/-** was also settled.

**LEGAL AWARENESS ON COMMEMORATIVE DAYS**

Between the months of October, 2018 to December, 2018, the Mental Health Day, National Legal Services Day, Children Day, Constitution Day, AIDS/HIV Day, Disability Day and Human Rights Day were observed throughout the State by organizing **1097** special legal literacy and awareness camps wherein **31402** people got benefitted.

**NEW MODULE LEGAL AWARENESS CAMP**

Apart from above, **21** New Module Mega Legal Awareness camps were also organized in coordination with the various other Government Departments wherein **9,539** persons were benefitted.

## STATISTICAL INFORMATION

**STATEMENT SHOWING THE PROGRESS OF LOK ADALATS HELD IN THE STATE OF  
UTTARAKHAND  
FOR THE PERIOD FROM JANUARY, 2019 TO MARCH , 2019**

S. No.	Name of DLSA's	No. of Lok Adalats Held	No. of Cases Taken up	No. of Cases Disposed off	Compensation/ Settlement Amount	Amount Realized As Fine (in Rs.)	No. of Persons Benefited in Lok Adalat
01	ALMORA	01	460	22	41,15,291	-	22
02	BAGESHWER	02	64	24	20,88,685	1,200	24
03	CHAMOLI	01	23	16	12,69,900	-	16
04	CHAMPAWAT	01	79	33	1,44,000	-	33
05	DEHRADUN	04	4973	2434	22,73,15,722	4,42,150	2434
06	HARDWAR	01	1232	759	70,09,393	-	759
07	NAINITAL	01	132	66	35,79,574	-	66
08	PAURI GARHWAL	01	71	64	32,47,397	-	64
09	PITHORAGARH	04	96	58	40,88,581	11,560	58
10	RUDRAPARYAG	01	28	14	13,36,903	-	14
11	TEHRI GARHWAL	01	35	18	19,51,185	-	18
12	UDHAM SINGH NAGAR	01	293	193	1,83,61,900	-	193
13	UTTARKASHI	01	71	48	20,63,987	-	48
14	HCSLC, NAINITAL	01	338	112	6,13,17,480	-	112
	<b>TOTAL :-</b>	<b>21</b>	<b>7895</b>	<b>3861</b>	<b>33,78,89,998</b>	<b>4,54,910</b>	<b>3861</b>

**STATEMENT SHOWING THE PROGRESS OF CAMPS ORGANIZED IN THE STATE OF  
UTTARAKHAND FOR  
THE PERIOD FROM JANUARY, 2019 TO MARCH, 2019**

<b>S. No.</b>	<b>Name of DLSA's</b>	<b>No. of Camps Organized</b>	<b>No. of Persons Benefited in Camps</b>
<b>01</b>	<b>ALMORA</b>	34	3389
<b>02</b>	<b>BAGESHWER</b>	31	2601
<b>03</b>	<b>CHAMOLI</b>	328	11015
<b>04</b>	<b>CHAMPAWAT</b>	122	8287
<b>05</b>	<b>DEHRADUN</b>	375	11751
<b>06</b>	<b>HARDWAR</b>	152	7883
<b>07</b>	<b>NAINITAL</b>	158	7922
<b>08</b>	<b>PAURI GARHWAL</b>	129	6305
<b>09</b>	<b>PITHORAGARH</b>	152	14477
<b>10</b>	<b>RUDRAPARYAG</b>	23	1512
<b>11</b>	<b>TEHRI GARHWAL</b>	133	3467
<b>12</b>	<b>UDHAM SINGH NAGAR</b>	450	30885
<b>13</b>	<b>UTTARKASHI</b>	1890	18050
	<b>Total</b>	<b>3977</b>	<b>127544</b>

**STATEMENT SHOWING THE PROGRESS OF LEGAL AID AND ADVICE/COUNSELING  
PROVIDED IN THE STATE OF UTTARAKHAND  
FOR THE PERIOD FROM JANUARY, 2019 TO MARCH , 2019**

S. No.	Name of DLSA's	No. of Persons Benefited through Legal Aid & Advice	
		Legal Aid	Legal Advice/ Counseling
01	ALMORA	17	-
02	BAGESHWER	04	-
03	CHAMOLI	10	07
04	CHAMPAWAT	05	-
05	DEHRADUN	141	06
06	HARDWAR	76	-
07	NAINITAL	42	17
08	PAURI GARHWAL	28	11
09	PITHORAGARH	06	04
10	RUDRAPARYAG	03	06
11	TEHRI GARHWAL	13	14
12	UDHAM SINGH NAGAR	114	18
13	UTTARKASHI	17	-
14	H.C.L.S.C., N.T.L.	-	-
15	U.K. S.L.S.A., N.T.L.	-	42
	<b>TOTAL</b>	<b>472</b>	<b>134</b>

**UTTARAKHAND JUDICIAL AND LEGAL ACADEMY, BHOWALI, NAINITAL**  
**Training Programmes held in the Month of**  
**January, February and March, 2019:-**

<b>S. No.</b>	<b>Name of Training Programmes/ Workshops</b>	<b>Duration</b>
1.	Foundation Training Programme for Newly Recruited Civil Judge (J.D.) 2016 Batch (2 <sup>nd</sup> phase of Institutional Training) <i>[Including 22 days Uttarakhand Darshan Programme]</i>	19.01.2019 to 07.06.2019  (Including 22 days Uttarakhand Darshan Programme ) (ongoing)
2.	Workshop on emerging trends and recent developments in Criminal Laws for CJM's/ACJM's/Judicial Magistrates (1 <sup>st</sup> phase)	28.01.2019 to 01.02.2019 (Monday to Friday) (five days)
3.	Workshop on emerging trends and recent developments in Civil Laws for Civil Judges (Sr. Div. & Jr. Div.) (1 <sup>st</sup> phase)	11.02.2019 to 15.02.2019 (Monday to Friday) (five days)
4.	Workshop on recent Developments in Matrimonial Laws for Presiding Officers of Family Courts and other Judicial Officers of the State dealing with the Matrimonial Matters	07.03.2019 & 08.03.2019 (Thursday & Friday) (two days)
5.	Training Programme for Recently Promoted Judges in Civil Judge (Sr. Div.) Cadre	11.03.2019 to 15.03.2019 (Monday to Friday) (five days)
6.	North Zone-II Regional Conference on Enhancing Excellence of the Judicial Institution: Challenges & Opportunities [P-1158] organised for Hon'ble Judges and Judicial Officers of the States of J&K, HP, Punjab, Haryana, UP, Delhi and Uttarakhand (NJA in association with Hon'ble High Court of Uttarakhand & UJALA)	30.03.2019 & 31.03.2019 (Saturday to Sunday) (two days)

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Hon'ble Mr. Justice Lok Pal Singh hoisting the flag on the occasion of Republic Day(26<sup>th</sup> January, 2019)



Hon'ble the Chief Justice of Uttarakhand along with Hon'ble Judges of High Court of Uttarakhand in North zone II, Conference on Enhancing Excellence of the Judicial Institution, Challenges & Opportunities held on 30 & 31<sup>st</sup> March, 2019.





Workshop on emerging trends and recent developments in Criminal Laws for CJM, ACJM & JM, 1<sup>st</sup> Phase from 28.01.2019 to 01.02.2019



Workshop on emerging trends and recent developments in Civil Laws for Civil Judge SD and JD, 1<sup>st</sup> Phase from 11.02.2019 to 15.02.2019.