



सत्यमेव जयते

# UTTARAKHAND COURT NEWS

(A Quarterly News letter)

Vol-VI Issue No-2 (April to June, 2015)



## High Court of Uttarakhand, Nainital

### EDITORIAL BOARD

Hon'ble Mr. Justice Sudhanshu Dhulia

Hon'ble Mr. Justice U. C. Dhyani

### COMPILED BY

D.P. Gairola, Registrar General, High Court of Uttarakhand

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**Hon'ble Justice F.M.I. Kalifulla, Judge, Supreme Court of India  
along with Hon'ble the Chief Justice & Hon'ble Judges of High Court of Uttarakhand**

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\* \* \* \* \*



**UTTARAKHAND HIGH COURT****LIST OF JUDGES (As on 1<sup>st</sup> April, 2015)****SL. No. Name of the Hon'ble Judge**

- |    |  |            |
|----|--|------------|
| 1. | Hon'ble Mr. Justice K.M. Joseph<br>(Chief Justice) | 31.07.2014 |
| 2. | Hon'ble Mr. Justice V.K. Bist                      | 01.11.2008 |
| 3. | Hon'ble Mr. Justice Sudhanshu Dhulia               | 01.11.2008 |
| 4. | Hon'ble Mr. Justice Alok Singh                     | 26.02.2013 |
| 5. | Hon'ble Mr. Justice Servesh Kumar Gupta            | 21.04.2011 |
| 6. | Hon'ble Mr. Justice Umesh Chandra Dhyani           | 13.09.2011 |

\* \* \* \* \*

### Transfer, Promotions & Appointments of Judicial Officers

	Name & Designation of the Officer	Place of Posting	Date of Order
1	Ms Kumkum Rani District & Sessions Judge, Hardwar	District & Sessions Judge, Nainital	03/04/15
2	Sri Ram Dutt Paliwal Chairman, Commercial Tax Tribunal, Dehradun	District & Sessions Judge, Dehradun	03/04/15
3	Sri Narayan Singh Dhanik District & Sessions Judge, Nainital	District & Sessions Judge, Hardwar	03/04/15
4	Smt Meena Tewari, Director, UJALA Bhowali, Nainital	District & Sessions Judge, Tehri Garhwal	03/04/15
5	Sri Alok Kumar Verma, Presiding Officer, Labour Court, Hardwar	District & Sessions Judge, Chamoli	03/04/15
6	Sri Sikand Kumar Tyagi, District & Sessions Judge, Tehri Garhwal	District & Sessions Judge, Pithoragarh	03/04/15
7	Sri Pradeep Pant, Member Secretary, SLSA, Nainital	Director, UJALA Bhowali, Nainital	03/04/15
8	Sri Harish Kumar Goel, A.D.J., Almora	1 <sup>st</sup> A.D.J., Dehradun	03/04/15
9	Sri Nitin Sharma, 2 <sup>nd</sup> A.D.J., Dehradun	1 <sup>st</sup> A.D.J., Haldwani, Nainital	03/04/15
10	Sri Anuj Kumar Sangal, A.D.J., Vikas Nagar, Dehradun	2 <sup>nd</sup> A.D.J., Dehradun	03/04/15
11	Sri Rajeev Kumar Khulbe, 1 <sup>st</sup> A.D.J., Rishikesh, Dehradun	Registrar, High Court of Uttarakhand	03/04/15
12	Sri Shahanshah Mohd. Dilber Danish, Judge, Family Court, Nainital	1 <sup>st</sup> A.D.J., Rishikesh, Dehradun	03/04/15
13	Sri Shanker Raj, A.D.J., Kashipur, Udham Singh Nagar	Registrar, High Court of Uttarakhand	03/04/15
14	Sri Dharam Singh, Registrar, Public Service Tribunal, Dehradun	A.D.J. Ranikhet, Almora	03/04/15
15	Sri Ajay Chaudhari, Addl. Secretary, Legislative & Parliamentary Affairs, Govt. of Uttarakhand, Dehradun	2 <sup>nd</sup> A.D.J. Hardwar	03/04/15
16	Sri Shamsheer Ali, 4 <sup>th</sup> A.D.J. Dehradun	3 <sup>rd</sup> A.D.J., Dehradun	03/04/15
17	Sri Bindhyachal Singh, 2 <sup>nd</sup> A.D.J. Haridwar	3 <sup>rd</sup> A.D.J., Hardwar	03/04/15
18	Smt Neena Agarwal, 5 <sup>th</sup> A.D.J., Dehradun	F.T.C./A.D.J./Spl. Judge POCSO, Dehradun	03/04/15



19	Sri Brijendra Singh, 6 <sup>th</sup> A.D.J., Dehradun	4 <sup>th</sup> A.D.J., Dehradun	03/04/15
20	Sri Varun Kumar, Addl. Secretary (Law), Public Service Comm., Hardwar	A.D.J., Almora	03/04/15
21	Sri Sayan Singh, Addl. Secretary Law-cum - Addl. L.R., Dehradun	3 <sup>rd</sup> A.D.J., Udham Singh Nagar	03/04/15
22	Ms Neelam Ratra, 3 <sup>rd</sup> A.D.J., Udham Singh Nagar	F.T.C./A.D.J./Spl.Judge POCSO, Udham Singh Nagar	03/04/15
23	Sri Vinod Kumar, 7 <sup>th</sup> A.D.J. Dehradun	5 <sup>th</sup> A.D.J., Dehradun	03/04/15
24	Smt Anjushree Juyal, 3 <sup>rd</sup> A.D.J., Hardwar	F.T.C./A.D.J./Spl.Judge POCSO, Hardwar	03/04/15
25	Smt Pritu Sharma, 8 <sup>th</sup> A.D.J., Dehradun	F.T.C./A.D.J./Spl.Judge POCSO, Haldwani, Nainital	03/04/15
26	Sri Rajeev Kumar, Chief Judicial Magistrate, Dehradun	6 <sup>th</sup> A.D.J., Dehradun	03/04/15
27	Sri Sujeet Kumar, Chief Judicial Magistrate, Hardwar	A.D.J., Laksar, Hardwar	03/04/15
28	Sri Mohd. Sultan, Addl. Family Judge, Roorkee, Hardwar	A.D.J., Vikasnagar, Dehradun	03/04/15
29	Sri Mahesh Chandra Kaushiwa, Joint Registrar, Public Service Tribunal, Dehradun	Uttarakhand Higher Judicial Service	03/04/15
30	Smt Shadab Bano, Chief Judicial Magistrate, Tehri Garhwal	7 <sup>th</sup> A.D.J., Dehradun	03/04/15
31	Sri Nasim Ahmad, Chief Judicial Magistrate, Pauri Garhwal	A.D.J., Kashipur, Udham Singh Nagar	03/04/15
32	Smt Archana Sagar, ACJM Hardwar	Chief Judicial Magistrate, Almora	03/04/15
33	Sri Nandan Singh, Addl. Family Court Judge, Rishikesh, Dehradun	Chief Judicial Magistrate, Nainital	03/04/15
34	Sri Ambika Pant, Cl. Judge(S.D.), U.S.Nagar	Chief Judicial Magistrate, U.S.Nagar	03/04/15
35	Ms Deepali Sharma, ACJM, Haldwani, Nainital	Cl. Judge(S.D), Hardwar	03/04/15
36	Sri Rakesh Kumar Singh, Joint Secretary(Law), Dehradun	Cl.Judge(S.D), Bageshwar	03/04/15
37	Sri Rajoo Kumar Srivastava, Cl.Judge(S.D), Kotdwar, Pauri Garhwal	Chief Judicial Magistrate, Pauri Garhwal	03/04/15



38	Sri Anirudh Bhatt, Chief Judicial Magistrate, U.S. Nagar	Cl. Judge (S.D), Kashipur, U.S.Nagar	03/04/15
39	Sri Manish Kumar Pandey, Cl. Judge (S.D.), Hardwar	Chief Judicial Magistrate, Hardwar	03/04/15
40	Sri Vivek Dwivedi, Cl. Judge(S.D), Kashipur,	Chief Judicial Magistrate, Dehradun	03/04/15
41	Ms Geeta Chauhan, Cl. Judge(S.D), Tehri Garhwal	Chief Judicial Magistrate, Tehri Garhwal	03/04/15
42	Sri Udai Pratap Singh, Cl. Judge(S.D), Haldwani, Nainital	ACJM, Haldwani, Nainital	03/04/15
43	Smt Savita Chamoli, 2 <sup>nd</sup> Addl. Cl.Judge(S.D), U.S. Nagar	ACJM, Kashipur, U.S. Nagar	03/04/15
44	Sri Dharendra Bhatt, Cl. Judge(J.D), Kashipur, U.S.Nagar	ACJM, Hardwar	03/04/15
45	Sri Rahul Kumar Srivastava, Cl.(J.D.), Nainital	2 <sup>nd</sup> Addl. Cl. Judge(S.D), U.S. Nagar	03/04/15
46	Sri Sundeep Kumar, Judicial Magistrate-I, Roorkee, Haridwar	Cl.(S.D.), Haldwani, Nainital	03/04/15
47	Smt Gunjan Singh, Cl. Judge(J.D), Dehradun	1 <sup>st</sup> ACJM, Dehradun/ Principal Magistrate, J J B	03/04/15
48	Sri Mohd. Yusuf, Cl. Judge(J.D), Tehri Garhwal	3 <sup>rd</sup> Addl. Cl. Judge(S.D), Dehradun	03/04/15
49	Sri Jayendra Singh, Judicial Magistrate-I/ Principal Magistrate, JJB Dehradun	4 <sup>th</sup> Addl. Cl. Judge(S.D.), Dehradun	03/04/15
50	Sri Bhavdeep Ravtey, Cl.Judge(J.D) Purola, Uttarkashi	Cl. (S.D), Kotdwar, Pauri Garhwal	03/04/15
51	Sri Yogendra Kumar Sagar, Cl. Judge(J.D.), Pauri Garhwal	Cl. Judge(S.D.)	03/04/15
52	Sri Hemant Singh, Cl.(J.D.), Lansdowne, Pauri Garhwal	Cl. Judge(S.D.)	03/04/15
53	Sri Vinod Kumar Burman, 1 <sup>st</sup> Addl. Cl Judge(J.D.), Dehradun	2 <sup>nd</sup> ACJM, Dehradun	03/04/15
54	Smt Jyotsna, Cl. Judge(J.D.), Narendranagar, Tehri Garhwal	Cl. Judge(S.D.)	03/04/15
55	Smt Jyoti Bala, Cl. Judge(J.D.), Haldwani	Cl. Judge(S.D.)	03/04/15
56	Ms Rinki Sahni, 1 <sup>st</sup> Addl. Cl.Judge(J.D.), Nainital	Cl. Judge(J.D.), Nainital	03/04/15



57	Sri Rajeev Dhawan, Cl. Judge(J.D.), Roorkee, Hardwar	Cl. Judge(J.D.), Haldwani, Nainital	03/04/15
58	Sri Mohd. Yaqoob, Cl. Judge(J.D.), Tanakpur, Champawat	Cl. Judge(J.D.), Rishikesh, Dehradun	03/04/15
59	Sri Syed Gufran, 1 <sup>st</sup> Addl. Cl. Judge(J.D.), Kashipur, U.S.Nagar	Principial Magistrate/Judicial Magistrate(1 <sup>st</sup> Class), JJB, U.S.Nagar	03/04/15
60	Ms. Chhavi Bansal, Judicial Magistrate-II, Dehradun	Cl. Judge(J.D.), Dehradun	03/04/15
61	Sri Manoj Kumar Dwivedi, Cl. Judge(J.D.), Rudraprayag	Judicial Magstrate-I, Roorkee, Hardwar	03/04/15
62	Ms Niharika Mittal, Cl Judge(J.D.), Rishikesh, Dehradun	Cl. Judge(J.D.), Kashipur, U.S.Nagar	03/04/15
63	Ms Shweta Rana Chauhan, 2 <sup>nd</sup> Addl. Cl. Judge(J.D.), Dehradun	1 <sup>st</sup> Addl. Cl. Judge(J.D.), Dehradun	03/04/15
64	Ms Neha Kushawaha, Cl. Judge(J.D.), Bageshwar	Cl. Judge(J.D.), Garur, Bageshwar	03/04/15
65	Ms Neha Qayyum, Cl. Judge(J.D.), Laksar, Hardwar	2 <sup>nd</sup> Addl. Cl Judge(J.D.), Dehradun	03/04/15
66	Ms Simranjit Kaur, Judicial Magistrate-III, Dehradun	Judicial Magistrate-I, Dehradun	03/04/15
67	Sri Akram Ali, Cl. Judge(J.D.), Chakrata, Dehradun	Judicial Magistrate-II, Dehradun	03/04/15
68	Ms Nazish Kaleem, Judicial Magistrate-IV, Dehradun	3 <sup>rd</sup> Addl. Cl. Judge(J.D.), Dehradun	03/04/15
69	Ms Rashmi Goyal, 4 <sup>th</sup> Addl. Cl Judge(J.D.), Dehradun	Cl. Judge(J.D.), Narendra Nagar, Tehri Garhwal	03/04/15
70	Sri Akhilesh Kumar Pandey, 5 <sup>th</sup> Addl. Cl. Judge(J.D.), Dehradun	Cl. Judge(J.D.), Tanakpur, Champawat	03/04/15
71	Sri Imran Mohd. Khan, 3 <sup>rd</sup> Addl. Cl. Judge(J.D.), Hardwar	Cl. Judge(J.D.), Lansdowne, Pauri Garhwal	03/04/15
72	Sri Sachin Kumar Pathak, Judicial Magistrate-III, Hardwar	Cl. Judge(J.D.), Tehri Garhwal	03/04/15
73	Sri Puneet Kumar, 4 <sup>th</sup> Addl. Cl. Judge(J.D.), Hardwar	Cl. Judge(J.D.), Laksar, Hardwar	03/04/15



74	Sri Rajesh Kumar, Judicial Magistrate-II, U.S.Nagar	Cl.Judge(J.D.),Purola, Uttarkashi	03/04/15
75	Sri Dayaram, Cl.Judge(J.D.), Ukimath, Rudraprayag	Cl.Judge(J.D.), Rudraprayag	03/04/15

1	Sri Sanjai Veer Singh	4 <sup>th</sup> A D J, Hardwar	28/04/15
2	Sri Ashutosh Tiwari	Judicial Magistrate, Bageshwar	05/05/15
3	Ms Meenal Chawla	Judicial Magistrate, Almora	05/05/15
4	Ms Tista. Shah	4 <sup>th</sup> Addl.Cl. Judge(J.D.), Almora	05/05/15
5	Ms Afiya Mateen	1 <sup>st</sup> Addl.Cl. Judge(J.D.), Kashipur, U.S.Nagar	05/05/15
6	Sri Amit Kumar	Judicial Magistrate, Chamoli	05/05/15
7	Sri Alok Ram Tripathi	Cl.Judge(J.D.), Champawat	05/05/15
8	Sri Mithilesh Pandey	Judicial Magistrate, Pauri Garhwal	05/05/15
9	Sri Ravindra Dev Mishra	Judicial Magistrate, Pithoragarh	05/05/15
10	Sri Ravi Ranjan	Judicial Magistrate, Rudraprayag	05/05/15
11	Sri Kapil Kumar Tyagi	Cl. Judge(J.D.), Kirtinagar, TehriGarhwal	05/05/15
12	Sri Abhay Singh	Judicial Magistrate, Kotdwar, Pauri Garhwal	05/05/15
13	Sri Mohammad Arif	Judicial Magistrate, Uttarkashi	05/05/15
14	Ms Mamta Pant	Addl. Cl. Judge(J.D.), Rshikesh, Dehradun	05/05/15
15	Ms Anamika	1 <sup>st</sup> Addl. Cl. Judge(J.D.),Nainital	05/05/15
16	Ms Beenu Gulyani	Judicial Magistrate-I, Haldwani, Nainital	05/05/15
17	Sri Nadeem Ahmad	Cl.Judge(J.D.), Dwarahat, Almora	05/05/15
18	Sri Dharmendra Shah	Judicial Magistrate, Laksar, Hardwar	05/05/15
19	Ms Sahista Bano	Cl.Judge(J.D.), Dhari, Nainital	05/05/15
20	Sri Anoop Singh	Judicial Magistrate-II, Roorkee,Hardwar	05/05/15
21	Ms Shama Parveen	2 <sup>nd</sup> Addl Cl. Judge(J.D.), Kashipur, U.S.Nagar	05/05/15
22	Ms Manju Devi	Judicial Magistrate, Ramnagar, Nainital	05/05/15
23	Ms Jayshree Rana	Judicial Magistrate, Vikas Nagar, Dehradun	05/05/15
24	Ms Suman	2 <sup>nd</sup> Addl.Cl Judge(J.D.), Haldwani, Nainital	05/05/15



1	Ms Vibha Yadav, CI Judge(J.D.), U.S. Nagar	Asst. Director, UJALA, Bhowali, Nainital	19/05/15
2	Ms Indu Sharma, 1 <sup>st</sup> Addl. CI Judge(J.D.), U.S.Nagar	Cl. Judge (J.D.), U.S.Nagar	19/05/15
3	Ms Sweta Pandey, 2 <sup>nd</sup> Addl. CI Judge(J.D.), U.S.Nagar	1 <sup>st</sup> Addl. CI Judge(J.D.), U.S.Nagar	19/05/15
4	Ms Parul Gairola, 1 <sup>st</sup> Addl. CI Judge(S.D.), U.S. Nagar	Cl. Judge(S.D.), U.S. Nagar	05/06/15
5	Sri Rahul Kumar Srivastava, 2 <sup>nd</sup> Addl. CI Judge(S.D.), U.S.Nagar	1 <sup>st</sup> Addl. CI Judge(S.D.), U.S.Nagar	05/06/15
6	Sri Harsh Yadav, 1 <sup>st</sup> Addl. CI Judge(J.D.), Roorkee, Hardwar	Cl Judge(J.D.), Roorkee, Hardwar	05/06/15
7	Sri Sachin Kumar, CI Judge(J.D.), Srinagar, Pauri Garhwal	Cl Judge(J.D.), Pauri Garhwal	05/06/15
8	Ms Anita Kumari, 2 <sup>nd</sup> Addl. CI Judge(J.D.), Hardwar	1 <sup>st</sup> Addl. CI Judge(J.D.), Roorkee, Hardwar	05/06/15

\* \* \* \* \*



**INSTITUTION, DISPOSAL AND PENDENCY OF CASES**

➤ **HIGH COURT OF UTTARAKHAND (from 01.04.2015 to 30.06.2015)**

						<b>Pendency (As on 01.04.2015)</b>		
						Civil Cases	Criminal Cases	Total Pendency
						17284	7079	24363
<b>Institution (01.04.2015 to 30.06.2015)</b>			<b>Disposal (01.04.2015 to 30.06.2015)</b>			<b>Pendency (As on 30.06.2015)</b>		
Civil Cases	Criminal Cases	Total Institution	Civil Cases	Criminal Cases	Total Disposal	Civil Cases	Criminal Cases	Total Pendency at the end of 30.06.15
2528	1481	4009	2077	1043	3120	17735	7517	25252
			*	*	*	*	*	*



➤ District Courts (From 01.04.2015 to 30.06.2015)

SL. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 30.06.15
		Opening Balance as on 01.04.15	Institution from 01.04.15 to 30.06.15	Disposal from 01.04.15 to 30.06.15	Pendency at the end of 30.06.15	Opening Balance as on 01.04.15	Institution from 01.04.15 to 30.06.15	Disposal from 01.04.15 to 30.06.15	Pendency at the end of 30.06.15	
1.	Almora	499	153	212	440	874	489	637	726	1166
2.	Bageshwar	126	75	105	96	392	242	263	371	467
3.	Chamoli	306	77	111	272	650	451	464	637	909
4.	Champawat	173	61	73	161	1049	666	555	1160	1321
5.	Dehradun	10725	3801	3311	11215	47048	39596	33497	53147	64362
6.	Haridwar	8294	1925	1725	8494	29331	11015	8094	32252	40746
7.	Nainital	2784	521	476	2829	6744	4215	4316	6643	9472
8.	Pauri Garhwal	985	156	142	999	2308	673	664	2317	3316
9.	Pithoragarh	322	107	71	358	904	873	739	1038	1396
10.	Rudraprayag	145	46	41	150	1108	411	427	1092	1242
11.	Tehri Garhwal	344	119	109	354	1035	724	586	1173	1527
12.	U.S. Nagar	4791	930	799	4922	21131	6342	5486	21987	26909
13.	Uttarkashi	325	85	114	296	663	389	350	702	998
	<b>Total</b>	<b>29819</b>	<b>8056</b>	<b>7289</b>	<b>30586</b>	<b>113237</b>	<b>66086</b>	<b>56078</b>	<b>123245</b>	<b>153831</b>

➤ **Family Courts (from 01.04.2015 to 30.06.2015)**

SL. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 30.06.15
		Opening Balance as on 01.04.15	Institution from 01.04.15 to 30.06.15	Disposal from 01.04.15 to 30.06.15	Pendency at the end of 30.06.15	Opening Balance as on 01.04.15	Institution from 01.04.15 to 30.06.15	Disposal from 01.04.15 to 30.06.15	Pendency at the end of 30.06.15	
1.	Dehradun	1446	369	356	1459	807	188	144	851	2310
2.	Rishikesh	156	78	90	144	145	54	45	154	298
3.	Nainital	481	113	93	501	578	99	69	608	1109
4.	Hardwar	598	158	133	623	501	112	95	518	1141
5.	Roorkee	454	138	160	432	452	132	102	482	914
6.	Pauri	195	54	38	211	247	68	57	258	469
7.	Udham Singh Nagar	716	122	91	747	691	142	85	748	1495
	<b>TOTAL</b>	<b>4046</b>	<b>1032</b>	<b>961</b>	<b>4117</b>	<b>3421</b>	<b>795</b>	<b>597</b>	<b>3619</b>	<b>7736</b>



## Circular Letters/ Notifications

### NOTIFICATION

No.134 / /UHC/ Admin.A /2015 Dated: April 30, 2015.

In exercise of the powers conferred by clause (2) of Article 229 of the Constitution of India and all other powers enabling in that behalf, Hon'ble the Chief Justice has been pleased to make the following amendment in Allahabad High Court Officers and Staff (Conditions of service and conduct) Rules 1976, applicable to High Court of Uttarakhand, Nainital under U.P. Reorganization Act, 2000:- Amendment in Allahabad High Court Officers and Staff (Conditions of Service and Conduct) Rules, 1976, as applicable to High Court of Uttarakhand vide Section 30 of U.P. Reorganization Act, 2000

Rule No.	Existing Rule	Amended Rule
Appendix-A	Paper III- Practical Time: 3 Hours MM: 100-- Shorthand and Type-writing with minimum speed of 12000 key-depressions per hour in English and 100 words in English Shorthand dictation per minute.	Paper III- Practical Time: 3 Hours MM: 100-- Shorthand and Type-writing with minimum speed of 12000 key-depressions per hour in English and 100 words in English Shorthand dictation per minute.
Syllabus of Personal Assistant	Note: 1. Preference will be given to those having good knowledge of Hindi Shorthand and Type-writing with minimum speed of the 9000 words in Hindi Type- writing per hour and 80 words in Hindi	Note: 1. Preference will be given to those having good knowledge of Hindi Shorthand and Type-writing with minimum speed of the <b>9000 key depressions</b> in Hindi
Paper III- Practical	Shorthand dictation per minute and knowledge of Computer operation.	Type -writing per hour and 80 words in Hindi Shorthand Dictation per minute and Knowledge of computer operaton.

This amendment will come into force with immediate effect.

By order of the Court,

Sd/- Registrar General

Dated: April 30, 2015



## HIGH COURT OF UTTARAKHAND, NAINITAL

## NOTIFICATION

No. 189 UHC/Admin-B/XI-C/2005

Dated: June, 8 2015

**Alternative Dispute Resolution (Amendment) Rules –2015**

[To amend the Civil Procedure Mediation (Amendment) Rules-2012]

1:- (a) These Rules may be called the Civil Procedure Mediation (Amendment) Rules, 2015.

(b) These Rules shall come into force with immediate effect.

2:- Rule 24(2) of the Civil Procedure Mediation (Amendment) Rules-2012, in pursuance of resolution dated 04.12.2014 of the Mediation and Conciliation Project Committee, Hon'ble Supreme Court of India, shall be amended as under -

Existing Rule	Amended Rule															
Rule 24(2): The mediator shall be paid fee as per following scale: a. Successful Mediation: Rs. 5000/- per case. b. Unsuccessful Mediation: Rs. 1,000/- per case.	Rule 24(2): The mediator shall be paid fee as per following scale: <table border="1"> <thead> <tr> <th>S. No.</th> <th>Nature of case</th> <th>Honorarium</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>On settlement through mediation of a matrimonial case (including criminal), custody, guardianship, probate, partition and possession.</td> <td>Rs.3000/- per case (with two or more connected cases, the maximum would be Rs.4000/-)</td> </tr> <tr> <td>2</td> <td>All other matters.</td> <td>Rs.2000/- per case (with two or more connected cases, the maximum would be Rs. 3000/-)</td> </tr> <tr> <td>3</td> <td>Connected case.</td> <td>Rs.500/- per case subject to a maximum of Rs.1000/- (regardless of the number of connected cases)</td> </tr> <tr> <td>4</td> <td>In case of no settlement.</td> <td>No honorarium.</td> </tr> </tbody> </table>	S. No.	Nature of case	Honorarium	1	On settlement through mediation of a matrimonial case (including criminal), custody, guardianship, probate, partition and possession.	Rs.3000/- per case (with two or more connected cases, the maximum would be Rs.4000/-)	2	All other matters.	Rs.2000/- per case (with two or more connected cases, the maximum would be Rs. 3000/-)	3	Connected case.	Rs.500/- per case subject to a maximum of Rs.1000/- (regardless of the number of connected cases)	4	In case of no settlement.	No honorarium.
S. No.	Nature of case	Honorarium														
1	On settlement through mediation of a matrimonial case (including criminal), custody, guardianship, probate, partition and possession.	Rs.3000/- per case (with two or more connected cases, the maximum would be Rs.4000/-)														
2	All other matters.	Rs.2000/- per case (with two or more connected cases, the maximum would be Rs. 3000/-)														
3	Connected case.	Rs.500/- per case subject to a maximum of Rs.1000/- (regardless of the number of connected cases)														
4	In case of no settlement.	No honorarium.														

By order of Court,

Sd/-  
Registrar General



## Some recent Judgements of Uttarakhand High Court

### Division Bench Judgements

1. In *Central Excise Appeal No. 04/2010, Commr., Customs & Central Excise Merrut-I Vs M/S Janardan Plywood Industries Ltd Dehradun*, decided on 14.05.15, the appellant challenged the order passed by CESTAT which had rejected the appeal of appellant thereby upholding the decision of Commissioner (Appeals) Merrut dt 6.8.2004.

The substantial question of law before the bench was whether a manufacturer after opting to pay full rate of duty in a financial year in terms of Para 2 (i) of Notification No 01/93-CE dt 28.02.1993 as amended, could avail the benefit of exemption under Para 1 of said notification.

The bench while set asiding the impugned order dt 15.12.09 of CESTAT observed that manufacturer could not have availed the benefit of exemption under Para 1 of the Notification No. 01/93-CE dt 28.02.93, since it had opted to full rate of duty in a financial year in relation to its other unit.

2. In *WPSB 406/14 Smt Sushma Gupta Vs IIT & others* decided on 20.05.15, the petitioner appointed as Deputy librarian, aggrieved by the notice given to her for retirement upon attaining the age of 60 years while she is entitled to continue till the age of 62 years. The division bench, while dismissing the writ observed that in regard to the posts of Registrar & librarian, the age of superannuation was fixed as 62 years effective from 16.09.09. The word 'librarian' cannot be understood as including Deputy Librarian and Asst. Librarian. The petitioner, not being a librarian, is covered by the clause in the statute, which would govern her, as per which, she cannot continue beyond the age of 60 years.
3. In *Spl. Appl. No. 211/12, State Bank of India & others Vs Manoj Thakur*, the appellant challenged the order of single bench in which the judge issues a writ of mandamus to give appointment to the writ petitioner (respondent in Appeal) on the post available for such appointments considering his qualification.

The division bench, while hearing the matter, noticed that the issue relates to right to compassionate appointment. The writ petitioner approached the court seeking a writ of mandamus; there was an order dt 6.2.01, which he, in fact, set about to challenge going by the averments in Para 1 of writ petition, but coming to relief portion, however any challenge to the same is conspicuous by its absence. Equally, there is no challenge to the reasoned decision of the authority.

The bench observed that when there was already a decision taken and without quashing the said decision, it was clearly impermissible for the court to issue the writ of mandamus. While allowing the appeal & set asiding the impugned judgment, the bench remitted the matter back to



single judge with liberty to writ petitioner to seek amendment of Writ petition in view of order dt 6.2.2001 & 15.12.2000. It will open to appellants to file appropriate pleadings if application for amendment is allowed.

4. In *Spl. Appl. No 62/10 State Consumer Disputes Redressal Comm. Vs Uttarakhand State Information Comm. & Othrs* decided on 26.05.15, the appellant filed writ petition seeking quashing the impugned order dt 1.12.09 in Appeal No A- 1778/2009 Smt Harshita Vs Public Information Officer. The order passed by appellant was sought by the third respondent in the translated version i.e. though the order was pronounced in English, the third respondent wanted the order to be translated into Hindi version in Devnagri script. An application moved by third respondent u/s 6 of RTI Act. with request to supply the copy of order in Hindi. This was not complied with and further appeal filed before first respondent i.e. State Information Commn. The State Infmn. Commn. imposed a cost of Rs 6600/-. The said order is challenged in High Court. The Single Judge dismissed the writ petition observing that Public Authorities like appellant are obliged to provide information in Hindi. This impugned order was in question before the bench.

While allowing the appeal, the bench observed that single bench has erred in deciding a question. Sec 6 of Act deals with a request for obtaining information being made by a person. It provides for a request in writing or through electronic means in English or Hindi in the official language of the area & specifying the particulars of the information sought by him, but it is relevant to notice that the request can only be for the information sought by him. The Section does not expressly contemplate the providing of the information in a language of the choice of the applicant. The Section nowhere commands providing a translation of the information in Hindi. In this case, information sought was the judgment pronounced by appellant in English language. When an application is made under Sec 6 of Act, the duty is to provide the information as it is, and, there cannot be a duty to translate information in the form of a document into any other language. In case of judgment or order, which is written in one language, it is not open to a person to seek a translation even if it is in Hindi language.

5. In *Cr. Appl. No. 267/2010, decided on 09.04.2015, Sudhir Kumar Saxena Vs State of Uttarakhand*, the bench while allowing the appeal observed that there is no independent witness of recovery and recovery memo did not bear signatures of the accused. It is held that there being no independent witness of recovery and accused had not signed the recovery memo, nor there was any evidence to show that the copy of recovery memo was given to the accused, but he refused to sign the same. Therefore so much reliance should not be placed on the said recovery.
6. In *Cr. Appl. No 261/10, decided on 29.04.15, Mohd. Umar Farooq Vs Sher Bahadur Singh*, the bench observed that evidence of prosecution witnesses recorded after four years of the incident. It is held that the long period of gap in as much as 04 years should have been considered while



testing the memory of a witness, whose testimony may suffer with some minor discrepancies on account of the lapse of said period and minor discrepancies should have been ignored, particularly when evidence of these witnesses had been recorded almost after four years of the incident.

7. In *A.O.No 186/2014 Dinesh Kumar Tamta Vs Smt Kamla Shail* , decided on 16.06.15, the appellant aggrieved by judgment & order of Judge, Family Court whereby appellant has been directed to hand over the custody of his son to his mother (respdt) within a month. Therefore the issue before bench related to guardianship of a minor son.

The bench observed that in case of *Nil Ratan Kundu & anr Vs Abhijit Kundu (2008) 9 SCC 413*, the Apex Court held that it is the welfare of child, which is of paramount consideration and not statutory rights of parents. In selecting a guardian, the Court exercises *parens patriae* jurisdiction and it must give due weightage to child's ordinary comfort, contentment, health, education, intellectual development and favourable surroundings as well as physical comfort and moral values and at the same time, the Court must ascertain child's wishes. Character of the proposed guardian also requires to be considered.

The bench further observed that the respondent i.e. mother has better entitlement for the same. She is a teacher, who knows how to educate her children. The daughter is also living with the mother. She is earning so much that she can feed both of her children. If both children live together with their mother, that will inculcate moral values. The bench also called upon both brother & sister in the court and came to the conclusion that they are willing to live with each other. While affirming the impugned decision, the Court is of view that the children are old enough to form their intelligent preference, comfort, health, education & intellectual development.

### Single Bench Judgements

1. In *W.P.(M/S) No 2315/11, decided on 17.04.15 Madanlal Gupta Vs Surendra Kumar Sood & others*, the issue before bench is landlord's bonafide need & comparative hardship as enshrined in Sec 21(1) (a) of U P Urban Buildings (Regulation of letting, Rent & Eviction) Act, 1972. The bench observed that the fact that the landlord was a retired person who wanted to make good use of his time and engage himself in a business, so that he could earn some extra money and that he had an unemployed son and a young daughter who was to be married were always his bonafide needs for release of the premises.
2. In *W.P.(M/S) No 486/15 Decided on 15.04.15, Vinay Kumar Singh Vs State of Uttarakhand & others*, the issue relates to compassionate appointment & object of the Right of Children to free & Compulsory Education Act 2009. The bench while dismissing the petition held that in view of Rule 5(1) of Dying in Harness Rules, 1974, compassionate appointments may be given provided



that the applicant fulfils educational qualification prescribed for the post and is otherwise qualified for government services and an Asst. Teacher(L.T. Grade) must have passed TET-II, as per the guidelines of NCTE, which are binding on the State Govt. But the petitioner did not have the said necessary qualification. In view of Right of Children to free & Compulsory Education Act, 2009, all persons who seek appointment as teachers in elementary schools in State must go through the same process of selection and since the process of appointing a person on compassionate ground is a process, which actually bypasses the normal process of selection, the appointment of such teachers on compassionate ground would defeat the purpose of the Right of Children to Free & Compulsory Education Act, 2009 & such appointments, therefore, cannot be made on compassionate ground.

3. In *W.P. No 962/2014 (M/S) decided on 25.5.15 Gulfam Ahmad Vs Mohd. Aaqil & others*, the matter relates to the Court's power to grant time beyond 90 days. The bench observed that as per the dictum of Hon'ble Apex Court in the case of *Kailashj (2005)4 SCC480j* , the purpose of providing time schedule for filing the written statement under O8 R1 CPC is to expedite and not to scuttle the hearing. The provision is directory and not mandatory and the Court's power to extend time for filing the written statement beyond the time schedule provided by O8 R1 CPC is not completely taken away. However, the extension of time should be given only by way of exception and in no case, the defendent should be permitted to seek extension of time, when the court is satisfied that it is a case of negligence on the part of defendent.
4. In *W.P.(M/S) No. 1108/2010,decided on 27.04.15, Maharani Luxmi Bai Memorial Educational Society Vs Chief Commr. Of Income Tax*, the petitioner society, registered under Societies, Registration Act,running an educational institution as charitable society. The petitioner moved application for grant of exemption u/s 10(23C)(vi) of Act for year 2008-09, which was rejected against which writ petition has been filed. The bench held that since the petitioner, being a registered society, was a juristic person and was running the education institution, therefore for all purposes , the petitioner society was an assessee and had every right to move exemption application . Accordingly, petition allowed remitting the matter to prescribed authority to decide the same afresh.
5. In *W.P. 1697/2006,decided on 21.04.15, Praveen Kumar Rastogi & others Vs Raj Gopal Arya & others*, matter relates to Sec 21(1) (a) U.P. Urban Buildings ( Regulation of letting , Rent & Eviction) Act, 1972. The bench observed that it is settled position of law that every landlord, after his retirement, if he wants to keep himself busy in any profession or business, is free to do so and tenant cannot dictate that he should remain idle or should depend on his pension and other rental income.None can be compelled to part his residential house for running his business. Landlord is always free and at liberty to live with full comforts in his residential house.



6. In *W.P. (S/S) No 8/15, decided on 4.6.15, Mrs Pooja Pant Vs State of Utt.& others*, the petitioner filed writ petition challenging the said process through advertisement contending that without prescribing the age limit, the management committees were manipulating to select their favourable candidates while maximum age limit is 35years. The bench, while allowing the petition, held that if the regulations framed by the Board are contrary to rules framed by the Govt., then certainly such rules are against the norms of accepted standards & the possibility of corruption could not be ruled out and the Board should ponder to amend & modify the rules accordingly. While quashing the Advt., it is directed to issue fresh advt. with large publicity fixing minimum as well as maximum age limit meeting all details of service that should not be in contravention of rules.
7. In *Second Appeal No. 146/14, decided on 25.5.15, Ratan Kumar Vs Ranjeet Kumar Banerjee & others*, the appellants filed second appeal against the judgment in which he was found to be trespasser who had no right to remain in possession of the property in suit. The bench, while dismissing the appeal, held that a trespasser cannot obtain decree of prohibitory injunction against the rightful owner. It is further observed that if plaintiff fails to show that he was being dispossessed otherwise than in due course of law, his suit for injunction to restrain the defendant from dispossessing him, is liable to be dismissed.
8. In *Civil Revision No 06/2010, decided on 18.5.15 Smt Gayatri Verma & others Vs Anil Kumar Verma & others*, the issue relates to grant of succession certificate u/s 372, 373 & 387 of Indian Succession Act 1925. The bench while dismissing the petition held that the succession certificate makes an applicant entitled to receive the claim on behalf of deceased but it does not give him absolute right which are always subject to decision of competent civil court. The bench further observed the distinctive feature between probate and succession proceedings is that probate proceedings can be tried like a suit, but while granting succession certificate, the court can determine the same in summary proceedings.
9. In *A. O. No 322/14, decided on 5.5.15, M/S Steel Fabs Vs State of Utt.*, the issue relates to Sec 2(g) of Arbitration & Conciliation Act. The dispute arose between parties with regard to some contract. Arbitrator is appointed to settle the dispute. 'A' appointed 'B' as his power of attorney. 'A' died & his son ratified the power of attorney executed by his father. The Arbitrator arrived at the finding that after death of 'A', B had no right to pursue the claims & arbitration proceedings had come to an end.

In appeal, the bench while set asiding the order & award, the bench held that in view of Sec 2(g) of the Act, 'legal representative' included the person who would intermeddle with the estate of the deceased and since 'B' was natural intermeddler, there was no question of the arbitration proceedings coming to an end.



## Major Events & Initiatives

1. As per directions of National Legal Services Authority and under the valuable guidance of Hon'ble the Patron-in-chief and Hon'ble the Executive Chairman, Uttarakhand State Legal Services Authority, three monthly National Lok Adalats were organized in various courts of State of Uttarakhand on 11.04.15, 09.05.15 & 13.06.15 respectively. In these lok adalats, **2235** cases relating to Labour Laws, Family disputes, Motor Accident Claims and Insurance Claims were taken up, out of which **455** cases were disposed off & an amount to the tune of Rs **1,98,54,266/-** was awarded as compensation and Rs **31,21,627/-** was realized as fine. Besides this, **586** persons were benefitted.

A National Lok Adalat was also organized in High Court premises on 09.05.2015 in which **31** cases were taken up, out of which **07** cases were decided & Rs **30,56,557** was awarded as compensation.

2. To provide legal aid at the doorsteps, legal awareness camps were organized through mobile van in districts Dehradun, Uttarkashi and Pauri Garhwal during the period from April, 2015 to June, 2015. The mobile van went through **57** villages of the above districts. Besides this, one mobile Lok Adalat was also conducted in Dist. Pauri Garhwal, wherein **43** referred, out of which **13** cases settled amicably.
3. On 16.05.15 **Hon'ble Mr Justice F.M.I. Kalifulla**, Judge, Supreme Court of India visited the High Court of Uttarakhand and met Hon'ble the Chief Justice & Hon'ble Judges of High Court. J Kalifulla took the round of High Court campus and appreciated the heritage building & structure of High Court. In the honour of Hon'ble Judge, an official dinner was hosted by the High Court.



## UTTARAKHAND JUDICIAL AND LEGAL ACADEMY, BHOWALI, NAINITAL

### Training Programmes held in the month of April - June, 2015:-

S. No.	Name of Training Programmes/ Workshops	Duration
1	Workshop for Judicial Magistrates on Protection of Women from Domestic Violence, Act & Rules (1 <sup>st</sup> phase)	08 & 09 April, 2015 (Wednesday & Thursday)
2	Joint Workshop on Protection of Children from Sexual Offences Act for Special Addl. Sessions Judge/ Judge, Fast track, Doctors of Govt. Hospitals and Police Officers of Uttarakhand (2 <sup>nd</sup> phase)	23 & 24 April, 2015 (Thursday & Friday)
3	Workshop for Judicial Magistrates on Protection of Women from Domestic Violence, Act & Rules (2 <sup>nd</sup> phase)	27 & 28 April, 2015 (Monday & Tuesday)
4	Workshop on emerging trends in cyber law and Crimes for CJM's/Judicial Magistrates (for two days) (1 <sup>st</sup> phase)	14 & 15 May, 2015 (Thursday to Friday)
5	Joint Conference of Judicial Magistrates & Forest Officers on Forest Laws and Wild Life Protection Act for (1 <sup>st</sup> phase)	20 & 21 May, 2015 (Wednesday & Thursday)
6	Foundation Training Programme for Newly Recruited Civil Judges (J.D.) 2013 Batch (1 <sup>st</sup> phase of Institutional Training)	01 June to 15 August, 2015 (two and half months ) <b>(on going)</b>



**Workshop for Judicial Magistrates on  
"Protection of Women from Domestic Violence  
Act, 2005 and Rules, 2006"**  
**Duration: 2 Days (On Date: 08 & 09 April, 2015)**



**Joint Workshop On  
Protection Of Children From Sexual Offences  
Act, 2012 For Special Addl. Sessions Judge/  
Judge, Fast Track Court (Pocso) & Doctors Of  
Govt. Hospitals & Police Officers Of  
Uttarakhand**  
**On 23 & 24 April, 2015**



**Workshop for Judicial Magistrates on  
"Protection of Women from Domestic Violence,  
Act, 2005"**  
**On 27 & 28 April, 2015**



**Workshop On Emerging Trends In Cyber  
Law And Crimes  
For Chief Judicial Magistrates / Addl. Judicial  
Magistrates/ Judicial Magistrates On**  
**14 & 15 May, 2015**



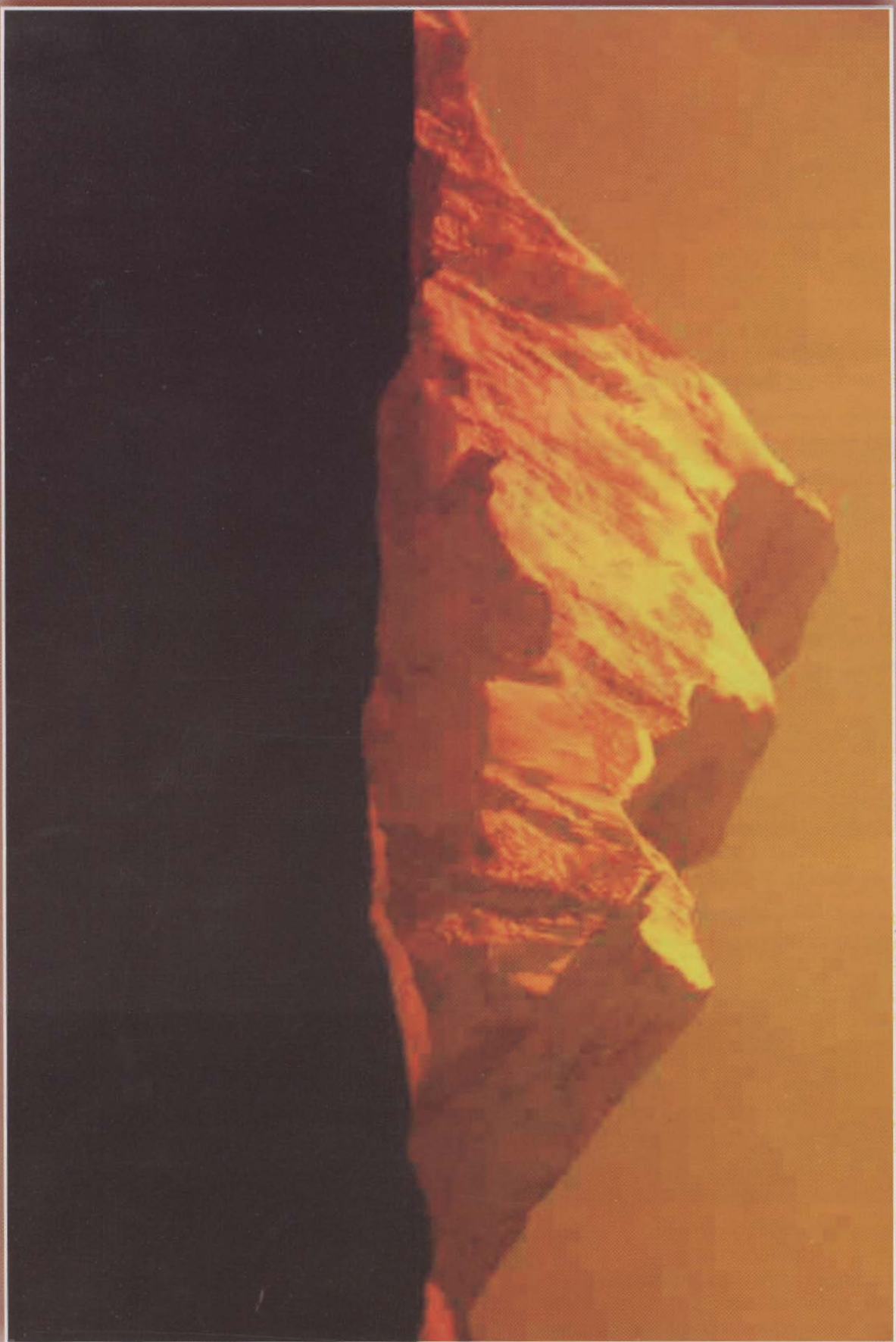
**Joint Conference On  
"Forest Laws And Wild Life Protection Act" For  
Chief Judicial Magistrates/Addl. Judicial  
Magistrates/Judicial Magistrates & Forest  
Officers**  
**On**  
**20 & 21 May, 2015**



**Foundation Training Programme  
For Newly Appointed Civil Judges (Jr.Div.)  
Batch- 2013  
(1<sup>st</sup> Phase)  
From**  
**01 June, 2015 To 15 August, 2015**







Trishul Peak on Himalaya