



सत्यमेव जयते

UTTARAKHAND COURT NEWS

(A Quarterly Court Magazine)

Vol-VIII Issue No-1 (January to March, 2017)



High Court of Uttarakhand, Nainital

EDITORIAL BOARD

Hon'ble Mr. Justice Sudhanshu Dhulia

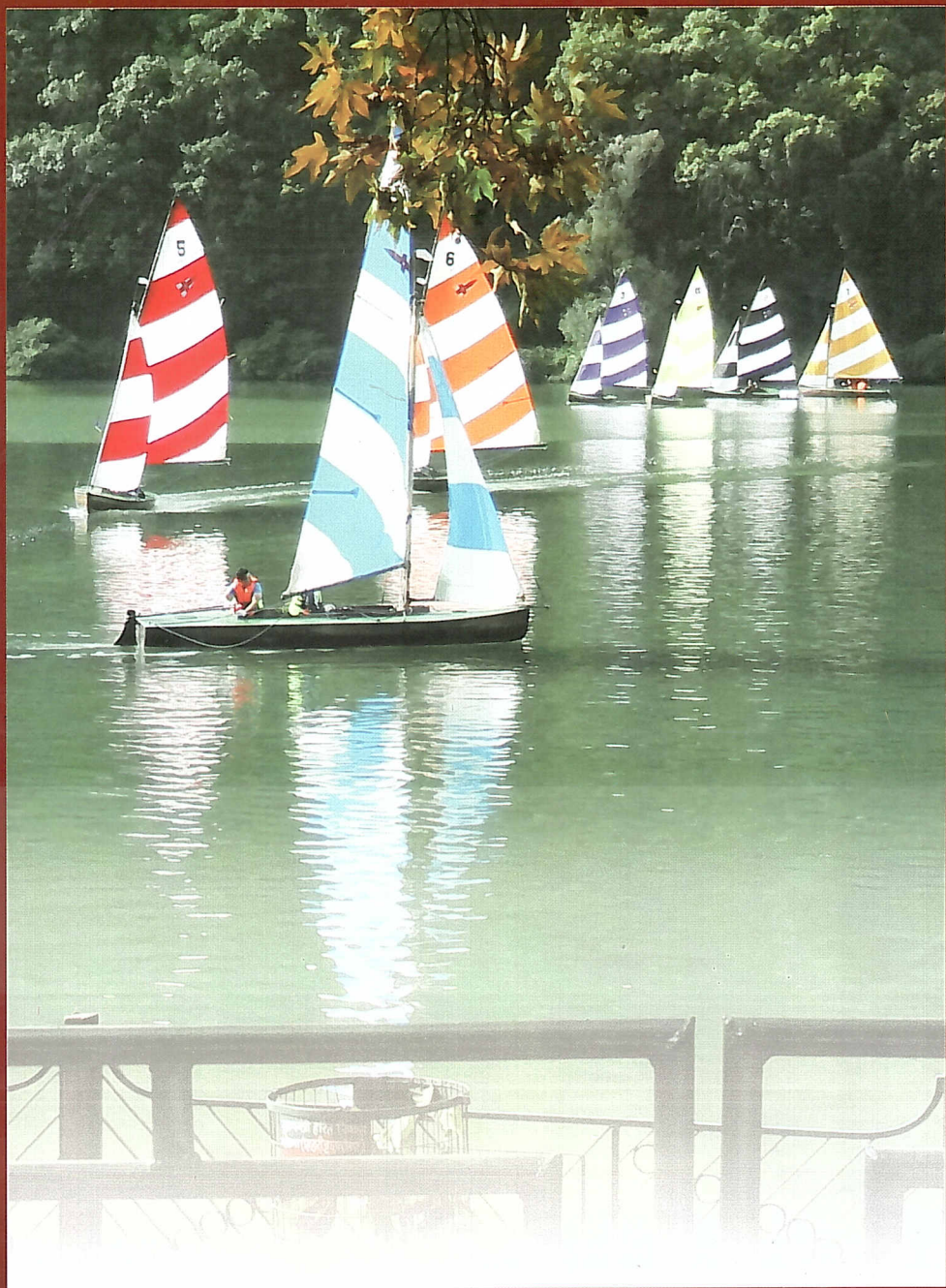
Hon'ble Mr. Justice U. C. Dhyani

COMPILED BY

Narendra Dutt, Registrar General, High Court of Uttarakhand

A quarterly newsletter published by High Court of Uttarakhand, Nainital

Also available on our website : www.highcourtofuttarakhand.gov.in



CONTENTS

❖ Hon'ble Judges of Uttarakhand High Court	4
❖ Transfer of Judicial Officers.	5-8
❖ Notifications	9-10
❖ Institution, Disposal & Pendency of cases in High Court.	11
❖ Institution, Disposal & Pendency of cases in District Courts.	12
❖ Institution, Disposal & Pendency of cases in Family Courts	13
❖ Some Recent Judgments of Uttarakhand High Court.	14-16
❖ Major Events and Initiatives at High Court.	17
❖ Programmes attended by Hon'ble Judges	17
❖ Activities of State Legal Services Authority(SLSA)	18-21
❖ Major Activities of UJALA.	22

* * * * *

UTTARAKHAND HIGH COURT

LIST OF JUDGES (As on 31st March, 2017)

SL. No.	Name of the Hon'ble Judge	Date of Appointment
1.	Hon'ble Mr. Justice K.M. Joseph (Chief Justice)	31.07.2014
2.	Hon'ble Mr. Justice Rajiv Sharma	26.09.2016
3.	Hon'ble Mr. Justice V.K. Bist	01.11.2008
4.	Hon'ble Mr. Justice Sudhanshu Dhulia	01.11.2008
5.	Hon'ble Mr. Justice Alok Singh	26.02.2013
6.	Hon'ble Mr. Justice Servesh Kumar Gupta	21.04.2011
7.	Hon'ble Mr. Justice Umesh Chandra Dhyani	13.09.2011

* * * * *

Transfer of Judicial Officers

S.No	Name & Designation of the Officer	Place of Transfer	Date of Order
1	Sri Shamsher Ali 3rd Addl. Distt. Judge, Dehradun	Addl. Distt. Judge, Bageshwar	07.01.17
2	Sri Anuj Kumar Sangal 2 nd Addl. Distt Judge, Dehradun	Registrar, High Court of Uttarakhand, Nainital	16.03.17
3	Sri Amit Kumar Sirohi Judge, Family Court, Nainital	Addl. Distt. Judge, Ranikhet, Almora	16.03.17
4	Sri Sahdev Singh 2 nd Addl. Distt. Judge, Haldwani, Nainital	Addl. Distt. Judge, Kotdwar, Pauri Garhwal	16.03.17
5	Sri Gurubaksh Singh Addl. Distt. Judge, Tehri Garhwal	2 nd Addl. Distt Judge, Dehradun	16.03.17
6	Sri Ajay Chaudhary Secretary-cum-Registrar, State Police Complaint Authority, Dehradun	3 rd Addl. Distt. Judge, Dehradun	16.03.17
7	Smt Rama Pandey Judge, Family Court, Hardwar	F T C/Addl. Distt. Judge/Spl. Judge POCSO Dehradun	16.03.17
8	Sri Pankaj Tomar 1 st Addl. Distt. Judge, Roorkee, Hardwar	1 st Addl. Distt. Judge, U. S. Nagar	16.03.17
9	Sri Sushil Tomar 2 nd Addl. Distt. Judge, Nainital	1 st Addl. Distt. Judge, Roorkee, Hardwar	16.03.17
10	Sri Rahul Garg 2 nd Addl. Distt. Judge, U. S. Nagar	Addl. Distt. Judge, Laksar, Hardwar	16.03.17
11	Smt Neena Agarwal F T C/ Addl. Distt. Judge/Spl. Judge POCSO, Dehradun	Addl. Distt. Judge, Tehri Garhwal	16.03.17
12	Sri Brijendra Singh 4 th Addl. Distt. Judge, Dehradun	F T C/Addl. Distt. Judge/ Spl. Judge POCSO , U. S. Nagar	16.03.17
13	Sri Kanwar Amninder Singh Registrar, High Court of Uttarakhand, Nainital	1 st Addl. Distt. Judge, Hardwar	16.03.17
14	Sri Arvind Kumar 2 nd Addl. Distt. Judge, Roorkee, Hardwar	2 nd Addl. Distt. Judge, Haldwani, Nainital	16.03.17
15	Sri Manoj Garbyal Addl. Distt. Judge, Laksar, Hardwar	Registrar, High Court of Uttarakhand, Nainital	16.03.17
16	Smt Archana Sagar 5 th Addl. Distt. Judge, Hardwar	F T C/Addl. Distt. Judge/ Spl. Judge POCSO, Hardwar	16.03.17

17	Sri Dhananjay Chaturvedi Addl. Dist. Judge, Kotdwar, Pauri Garhwal	Judge, Family Court, Vikas Nagar, Dehradun	27.03.17
18	Sri Shrikant Pandey 1 st Addl. Dist. Judge, Rudrapur, U.S. Nagar	Judge, Family Court, Tehri Garhwal	27.03.17
19	Sri Yogesh Gupta Addl. Director, UJALA, Bhowali, Nainital	Judge, Family Court, Hardwar	27.03.17
20	Sri Bindhyanchal Singh 3 rd Addl. Dist. Judge, Hardwar	Judge, Family Court, Kotdwar, Pauri Garhwal	27.03.17
21	Smt Neelam Ratra FTC/Addl. Dist. Judge/Spl. Judge POCSO, U. S. Nagar	Judge, Family Court, Almora	27.03.17
22	Smt Anjushree Juyal FTC/Addl. Dist. Judge/Spl. Judge POCSO Hardwar	Registrar, State Consumer Dispute Redressal Commn., Uttarakhand	30.03.17

S.No	Name & Designation of the Officer	Place of Transfer	Date of Order
1	Sri Ambika Pant C J M , U. S. Nagar	C J M, Chamoli	16.03.17
2	Ms Pratibha Tewari C J M, Pithoragarh	C.J. (S.D.), Dehradun	16.03.17
3	Sri Kuldeep Sharma C. J.(S.D.)/Secretary, DLSA, Dehradun	C J M, Pithoragarh	16.03.17
4	Sri Ashutosh Kumar Mishra C.J. (S.D.), Dehradun	C J M, Hardwar	16.03.17
5	Sri Manish Kumar Pandey C J M, Hardwar	C.J.(S.D.), Nainital	16.03.17
6	Sri Dharmendra Singh Adhikari C J M , Pauri Garhwal	Joint Director, UJALA, Bhowali, Nainital	16.03.17
7	Sri Shivakant Dwivedi C J M , Chamoli	C J M, U. S. Nagar	16.03.17
8	Ms Rajani Shukla C. J. (S.D.), Rishikesh, Dehradun	1 st Addl. C. J. (S. D.), Hardwar	16.03.17
9	Ms Kusum Addl. Judge, Family Court, Dehradun	A C J M, Kashipur, U. S. Nagar	16.03.17
10	Sri Sudhir Kumar Singh 1 st Addl. C. J. (S.D.), Hardwar	C J M, Pauri Garhwal	16.03.17
11	Sri Udai Pratap Singh A C J M , Haldwani, Nainital	C. J. (S.D.), Rishikesh, Dehradun	16.03.17

12	Smt Savita Chamoli A C J M, Kashipur, U.S. Nagar	1 st Addl. C. J. (S.D.), Dehradun	16.03.17
13	Sri Dharmendra Kumar Singh 1 st Addl. C.J.(S.D.), Dehradun	C J M, Champawat	16.03.17
14	Sri Sudhir Tomar C.J.(S.D.), Roorkee,Hardwar	C J M, Rudraprayag	16.03.17
15	Sri Madan Ram 2 nd Addl. C.J.(S.D.), Hardwar	C. J. (S.D.), Vikas Nagar, Dehradun	16.03.17
16	Sri Mukesh Chandra Arya C J M. Rudraprayag	A C J M , Haldwani, Nainital	16.03.17
17	Smt Manju Singh Munday C J M, Champawat	2 nd Addl. C.J.(S.D.), Dehradun	16.03.17
18	Sri Ramesh Singh C.J. (S.D.)/Secretary,DLSA,Hardwar	C.J.(S.D.), Rudraprayag	16.03.17
19	Smt Sangeeta Rani C.J.(S.D.), Rudraprayag	A C J M(Railways), Haldwani, Nainital	16.03.17
20	Ms Anita Gunjiyal 2 nd Addl. C.J.(S.D.), Dehradun	C.J.(S.D.), Roorkee, Hardwar	16.03.17
21	Sri Vinod Kumar Burman 2 nd A C J M , Dehradun	C. J. (S.D.), Kashipur, U.S. Nagar	16.03.17
22	Smt Jyoti Bala A C J M (Railways), Haldwani, Nainital	2 nd Addl. C.J.(S.D.), Hardwar	16.03.17
23	Ms Shivani Pasbola C.J.(S.D.), Vikas Nagar, Dehradun	A C J M, Roorkee, Hardwar	16.03.17
24	Sri Anirudh Bhatt C.J.(S.D.), Kashipur, U.S.Nagar	Addl. Judge, Family Court, Dehradun	27.03.17
25	Ms Meena Deopa C.J.(S.D.),Nainital	C.J.(S.D.)/Secretary, DLSA, Hardwar	28.03.17
26	Sri Vivek Srivastava A C J M, Roorkee, Hardwar	C.J.(S.D.)/Secretary, DLSA, Dehradun	28.03.17
27	Sri Sanjay Singh C.J.(J.D.), Khatima ,U.S. Nagar	C.J.(J.D.), Rudraprayag	16.03.17
28	Ms Indu Sharma C.J.(J.D.),Vikas Nagar, Dehradun	J.M., Rishikesh, Dehradun	16.03.17
29	Ms Seema Dungalakoti J.M.-I,U.S.Nagar	2 nd Addl. C.J.(J.D.), Dehradun	16.03.17

30	Ms Shachi Sharma J.M., U.S. Nagar	J.M.-I, Haldwani, Nainital	16.03.17
31	Ms Sweta Pandey 1 st Addl. C.J.(J.D.), U.S. Nagar	C.J.(J.D.), Laksar, Hardwar	16.03.17
32	Sri Abhishek Kumar Srivastava J.M., Rishikesh, Dehradun	C.J.(J.D.), Uttarkashi	16.03.17
33	Sri Sachin Kumar C.J.(J.D.),Pauri Garhwal	J.M.-I, Dehradun	16.03.17
34	Ms Lalita Singh C.J.(J.D.), Uttarkashi	J.M., Kashipur, U.S. Nagar	16.03.17
35	Ms Arti Saroha Addl. C.J.(J.D.),Khatima, U.S. Nagar	J.M., Rudraprayag	16.03.17
36	Ms Simranjit Kaur J.M.-I, Dehradun	C.J.(J.D.), Kotdwar, Pauri Garhwal	16.03.17
37	Sri Sandeep Singh Bhandari J.M.-II, Hardwar	C.J.(J.D.), Pauri Garhwal	16.03.17
38	Sri Neeraj Kumar 2 nd Addl. C.J.(J.D.), Dehradun	3 rd Addl. C.J. (J.D.), Dehradun	16.03.17
39	Ms Nazish Kaleem 3 rd Addl. C.J.(J.D.), Dehradun	C.J.(J.D.), Khatima, U.S. Nagar	16.03.17
40	Sri Imran Mohd. Khan C.J.(J.D.), Lansdowne, Pauri Garhwal	C.J.(J.D.), U.S. Nagar	16.03.17
41	Sri Puneet Kumar C.J.(J.D.), Laksar, Hardwar	C.J.(J.D.),Lansdowne, Pauri Garhwal	16.03.17
42	Sri Dayaram C.J.(J.D.), Rudraprayag	Addl. C.J.(J.D.), Khatima, U.S. Nagar	16.03.17
43	Sri Abhay Singh C.J.(J.D.),Kotdwar, Pauri Garhwal	J.M., Vikas Nagar, Dehradun	16.03.17
44	Ms Beena Gulyani J.M.-I, Haldwani, Nainital	J.M.-II, Haldwani, Nainital	16.03.17
45	Ms Bushra Kamal J.M.-II, Dehradun	1 st Addl. C.J.(J.D.), U.S. Nagar	16.03.17

* * * * *

NOTIFICATIONS**CONFIRMATION****No. 100 /UHC/Admin.A/2017****Dated: March 17 , 2017.**

The following Judicial Officers shall be deemed to have been confirmed in Uttarakhand Higher Judicial Service, on their respective posts from the date of completion of their period of probation or extended period of probation, whichever is later :-

1	Sri G. S. Dharamshaktu
2	Sri Rajendra Singh
3	Sri B.S. Dugtal
4	Sri Vivek Bharti Sharma
5	Sri Ashish Naithani
6	Sri U.S.Nabiyal
7	Sri C.P. Bijalwan
8	Sri Sikand Kumar Tyagi
9	Sri Pradeep Pant
10	Sri H.S.Bonal
11	Sri Rajendra Joshi
12	Sri Prashant Joshi
13	Sri Prem Singh Khimal
14	Ms. Kahkasha Khan
15	Sri Harish Kumar Goel
16	Sri Narendra Dutt
17	Sri Malik Mazhar Sultan
18	Sri Nitin Sharma
19	Sri Dhananjay Chaturvedi
20	Sri Anuj Kumar Sangal
21	Sri Rajeev Kumar Khulbe
22	Sri Kaushal Kishore Shukla
23	Sri Amit Kumar Sirohi
24	Ms. Sujata Singh
25	Sri S.M.D. Danish,
26	Sri Srikant Pandey

27	Sri Yogesh Kumar Gupta
28	Sri Sahdev Singh
29	Sri Shanker Raj
30	Sri Gurubaksh Singh
31	Sri Shamsher Ali
32	Sri Dharam Singh
33	Sri Ajay Chaudhary
34	Sri Subir Kumar
35	Sri Bindhyachal Singh
36	Smt. Rama Pandey
37	Sri Pankaj Tomar
38	Sri Sushil Tomar
39	Sri Rahul Garg
40	Sri Manish Mishra
41	Smt. Neena Aggarwal
42	Sri Brijendra Singh
43	Sri Kanwar Amninder Singh
44	Sri Bharat Bhushan Pandey
45	Sri Arvind Kumar
46	Sri Varun Kumar
47	Sri Sayan Singh
48	Smt. Monika Mittal
49	Smt. Neelam Ratra
50	Sri Manoj Garbyal
51	Sri Vinod Kumar

By Order of the Court,

NOTIFICATION**No. 102 /UHC/Admin.A/2017****Dated: March 17 , 2017.**

In exercise of the powers conferred by Rule 27(i) of the Uttarakhand Higher Judicial Service Rules, 2004 and all other powers enabling in this behalf, Hon'ble the Court is pleased to grant the selection grade of ` 57700-1230-58930-1380-67210-1540-70290 to Sri G.S. Dharmshaktu, District & Sessions Judge, Uttarkashi w.e.f. 20.11.2011.

By Order of the Court,

HIGH COURT OF UTTARAKHAND
NAINITAL**NOTIFICATION****No. 101 /UHC/Admin.A/2017****Dated: March 17 , 2017.**

In exercise of the powers conferred by Rule 27(ii) of the Uttarakhand Higher Judicial Service Rules, 2004 and all other powers enabling in this behalf, the Hon'ble Court is pleased to grant the Super time Scale of ` 70,290-1,540-76,450 to the following officers, after completing 03 years of continuous service in the Selection Grade of H.J.S. Cadre, from the date mentioned against their names : -

Sl. No.	Name of the officer	Date of grant of Super time Scale
1.	Sri G.K. Sharma	01.06.2016
2.	Sri Ravindra Maithani	13.10.2016
3.	Sri Alok Kumar Verma	01.12.2016
4.	Sri G.S. Dharmshaktu	01.12.2016

By Order of the Court,

INSTITUTION, DISPOSAL AND PENDENCY OF CASES**➤ HIGH COURT OF UTTARAKHAND (from 01.01.2017 to 31.03.2017)**

						Pendency (As on 01.01.2017)		
						Civil Cases	Criminal Cases	Total Pendency
						22564	9440	32004
Institution (01.01.2017 to 31.03.2017)			Disposal (01.01.2017 to 31.03.2017)			Pendency (As on 31.03.2017)		
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
2280	1724	4004	2307	1511	3818	22537	9653	32190

District Courts (From 01.01.2017 to 31.03.2017)

SL. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 31.03.17
		Opening Balance as on 01.01.17	Institution from 01.01.17 to 31.03.17	Disposal from 01.01.17 to 31.03.17	Pendency at the end of 31.03.17	Opening Balance as on 01.03.17	Institution from 01.03.17 to 31.03.17	Disposal from 01.03.17 to 31.03.17	Pendency at the end of 31.03.17	
1.	Almora	410	114	114	410	730	571	420	881	1291
2.	Bageshwar	107	43	46	104	382	340	341	381	485
3.	Chamoli	257	78	77	258	707	663	429	941	1199
4.	Champawat	169	41	48	162	822	846	656	1012	1174
5.	Dehradun	11326	2094	1690	11730	78203	15181	11145	82239	93969
6.	Haridwar	9662	1354	1086	9930	35179	9076	7293	36962	46892
7.	Nainital	2498	424	492	2430	9053	4540	3755	9838	12268
8.	Pauri Garhwal	981	183	169	995	2995	1461	1317	3139	4134
9.	Pithoragarh	349	81	66	364	953	1020	918	1055	1419
10.	Rudraprayag	133	42	27	148	1540	277	245	1572	1720
11.	Tehri Garhwal	421	81	82	420	1629	888	903	1614	2034
12.	U.S.Nagar	5385	973	925	5433	25784	6865	6565	26084	31517
13.	Uttarkashi	364	94	72	386	909	422	531	800	1186
	Total	32062	5602	4894	32770	158886	42150	34518	166518	199288

➤ **Family Courts (from 01.01.2017 to 31.03.2017)**

SL. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 31.03.17
		Opening Balance as on 01.03.17	Institution from 01.03.17 to 31.03.17	Disposal from 01.03.17 to 31.03.17	Pendency at the end of 31.03.17	Opening Balance as on 01.03.17	Institution from 01.03.17 to 31.03.17	Disposal from 01.03.17 to 31.03.17	Pendency at the end of 31.03.17	
1.	Dehradun	1573	477	430	1620	875	183	174	884	2504
2.	Rishikesh	180	57	62	175	167	47	45	169	344
3.	Nainital	473	113	54	532	808	113	97	824	1356
4.	Hardwar	672	168	207	633	569	104	108	565	1198
5.	Roorkee	484	114	112	486	556	92	120	528	1014
6.	Pauri	225	52	40	237	287	65	49	303	540
7.	Udham Singh agar	757	211	186	782	805	131	97	839	1621
	TOTAL	4364	1192	1091	4465	4067	735	690	4112	8577

Some Recent Judgments of Uttarakhand High Court

Division Bench Judgments

1. In *Spl. Appeal No. 625/2014, Bajaj Auto Ltd. Vs Union of India & others*, decided on 16.03.17, the issue relates to Promissory Estoppel. The bench held that in promissory estoppels , the promisee must establish that by acting on the promise made by other parties, he has altered his position .It is not necessary to prove any damage, detriment or prejudice on account of the alteration. The promise must be clear and unequivocal and may be produced by words or held out by conduct. It must be intended to create legal relation or affect a legal relationship to arise in the future.
2. In *W.P.(S/B) No 532/2016, Rajesh Chauhan vs State of Uttarakhand & others*, decided on 10.03.17, the bench ,while discussing the applicability of new or old rules for recruitment /promotion on vacant posts, held that ordinarily, in respect of the vacancy, arising before change in the rules, the vacancy must be filled up in accordance with the old rules i.e. the rules, as they existed at the time when the vacancy occurred., but in certain exceptional circumstances , the Govt. may take conscious decision to not to fill up the vacancies under the old rules and there can be deviation in exceptional cases.
3. In *First Appeal No. 80/2016, Kanchan Upreti vs Smt Komal Upreti*, decided on 23.02.17, the bench, while enunciating the concept of exceptional hardship, held that for no fault of the appellant –petitioner, the marriage could not be consummated as the respondent- wife was not agreeable for it and it was a case of exceptional hardship to the petitioner- appellant.

In *Spl. Appeal No. 40/2014, U.P.State Road Transport Corpn. Vs Ram Awatar & ors along with other Spl. Appls*, decided on 10.01.17, the bench held that laches is a question to be decided on the facts of each case. Delay is not circumscribed by a limitation based on time as it is an extra ordinary jurisdiction as much it is a discretionary jurisdiction and it is the facts, which will ultimately decide the fate of each case.

5. In *W.P.(PIL) No. 72/2016, Daulat Kunwar vs State of Uttarakhand & others*, decided on 07.01.17, the bench observed that if any member of general public or any other section thereof is allowed entry into any part of the temple or to enjoy any other right in regard to the temples, which are subject matter of the Protection of Civil Rights Act,1955, no member of Dalit Community should be discriminated against and it is the bounden duty of the State authorities to ensure that they enjoy their rights with full dignity and without facing any kind of threat to their persons or their properties.

Single Bench Judgments

1. In *Cr. Misc. Appln. No 475/2014, Jagdish Chandra Kohli vs State of Uttarakhand & ors* decided on 06.03.17, the bench held that if no compromise or settlement is or could be arrived at, no order can be passed by the Lok Adalat. Lok Adalat is a creation of statute and it gets jurisdiction from the statute. The High Court is competent to go into an order passed without jurisdiction by any statutory tribunal and can see whether the order in question is valid in law.
2. In *W.P. No 2412/2011(M/S), State of U.P. & anthers vs Presiding Officer, Labour Court, Haridwar & others*, decided on 12.01.17, the bench held that it is settled law that the Sundays and paid holidays are to be taken into consideration for calculating the number of days, on which the employee actually worked and since the workman had completed 240 days at the time of his retrenchment, the retrenchment was void *ab initio* and he was entitled for reinstatement .
3. In *Cr. Misc Appln. No. 22/2017 Vipin @ Nanhe vs State of Uttarakhand & anthr*, decided on 12.01.17, the bench observed that the purpose of Sec 311 Cr P C is to enable the court to arrive at a just decision of the case and this power should be exercised judiciously and not arbitrarily. This power should be exercised if it is essential to examine the witness in order to arrive at a just decision of the case and the additional evidence should not be received u/s 311 Cr P C as a disguise or to change the nature of the case.
4. In *W.P. (M/S) No 473/2016, Master Varda Nanda vs C.B.S.E. & others*, decided on 21.02.17, the bench observed that the disabled persons are the best persons, who deserve special support from the government as well as society, as most of them are disabled for no fault of them. They have better claim than those who are socially and economically backward. There is full opportunity to rise at any level to a physically and mentally healthy person, though he is socially or economically backward, but physically handicapped person has limitation.
5. In *W. P. (S/S) No 1486/2015, Balam Singh Adhikari vs State of Uttarakhand & others*, decided on 23.02.17, the bench observed that one of the reasons for bringing out the Persons with Disabilities(Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 is "to create barrier free environment for persons with disabilities" and therefore , minor anomalies should be ignored in a case of physically challenged person. A barrier free environment is to created for them and further barriers in terms of technical objections , which do not go to the root of the matter, should not be created.
6. In *W.P. (M/S) No 105/2007, Sanjay Agarwal vs District Judge, Haridwar & anthr*, decided on 23.02.17, the court observed that in order to substantiate that a particular association or society is performing the work of a public charitable trust what has to be seen is the actual work being

performed by the society and the actual beneficiaries from the trust. Merely because the trust is called a public charitable trust, it was not made it a public trust. In order to bring it within the definition of public charitable trust or public religious trust, heavy burden was cast upon the plaintiff to have proved that the society is actually performing as a trust.

7. In *A. O. No 206/2009, The United India Insurance Co. Ltd vs Smt Chanda Devi & others with A. O. No 168/2009*, decided on 03.03.17, the court observed that a fake or forged licence is as good as no licence, but the insurer must prove that the owner was guilty of willful breach of the conditions of the insurance policy or the contract of insurance. The defect to the effect that the licence held by the person driving the vehicle was a fake one, would be available to the insurance companies, but whether despite the same, the plea of default on the part of the owner has been established or not and whether the insured did not adequate care and caution to verify the genuineness or otherwise of the license held by the driver would be a question which will have to be determined in each case.
8. In *A. O. No 327/2011, Smt Laxmi Devi & others vs Mushtaq Mohammad & ors*, decided on 10.03.17, the court observed that death of the earning member of a family can never been as a windfall for other members of the family and the amount so evaluated should not be taken as largesse in such matter. The whole object behind this social legislation is to save the dependents from indigence or from being on the road in the absence of bread earner.
9. In *W.P. (Cr) No. 26/2017, Rajeev Khanna & anthr vs State of Uttarakhand* , decided on 11.01.17, the court observed that judicial discretion is a discretion to be exercised by the Courts in discerning the course prescribed by law. Judicial power is never exercised for the purpose of giving effect to the will of the judge. It is always for the purpose of giving effect to the will of the legislature(framers of the Rules), or, in other words, to the will of law.
10. In *Cr Misc. Appln. No 1454/2015, Mukesh Kumar vs Central Bureau of Investigation*, decided on 06.03.17, the court observed that at the stage of framing of charge, the court is required to evaluate the material and documents on record with a view to finding out if the facts emerging therefrom, taken at their face value, disclosed the existence of all the ingredients constituting the alleged offence. At this stage, the trial court is not expected to go deep into the probative value of material on record. What needs to be considered is whether there is a ground for presuming that the offence has been committed and not a ground for convicting the accused has been made out. The trial court is required to see that even strong suspicion founded on the material which leads the court to form a presumptive opinion as to the existence of factual ingredients constituting the offence alleged would justify the framing of charge against the accused in respect of the commission of that offence.

Major Events & Initiatives

1. **Republic Day Celebration:** On 26th January, 2017, Republic Day was celebrated in High Court premises with great enthusiasm. On this occasion, national flag was hoisted by Hon'ble Mr Justice Sarvesh Kumar Gupta. Officers, Officials of Registry, Advocates were also present to mark the occasion.
2. **Visit to High Court:** On 12th March, 2017, Hon'ble Mr Justice Adarsh Kumar Goyal , Judge, Supreme Court of India, visited the High Court of Uttarakhand & met Hon'ble the Chief Justice and Hon'ble Judges of High Court. An official dinner was hosted by the High Court in the honour of Hon'ble Judge.
3. **Deliverance of talk through Video Conference:** On 1st February & 2nd February, 2017 Justice U.C Dhyani delivered talk with the Judicial Officers participating in "Foundation Training Programme of Newly Appointed Judges Civil Judges(J.D.) of 2014 batch" at UJALA through video conference from High Court premises.

Programmes attended by Hon'ble Judges (From Jan-Mar, 2017)

1. Hon'ble Mr Justice U.C Dhyani visited National Judicial Academy, Bhopal to attend "Workshop on the use of Court Managers at the District Court Level" during the period from 28th to 29th January, 2017.
2. Hon'ble Mr Justice Sudhanshu Dhulia visited New Delhi to attend "15th All India Meet of State Legal Services Authorities" during the period from 18th February to 19th February, 2017
3. Hon'ble Mr Justice Sarvesh Kumar Gupta visited New Delhi to attend "World Conference on Environment, 2017" during the period from 25th March to 26th March, 2017.

ACTIVITIES OF SLSA
JANUARY TO MARCH, 2017

NATIONAL LOK ADALAT

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 District Level in all the Courts and Quasi Judicial Authorities on 11.02.2017. In the said National Lok Adalat, apart from the civil and criminal cases, the matters pertaining to labour disputes, revenue disputes, land acquisition act, MNREGS disputes, disaster compensation, water and electricity and all such matters which can be disposed of by way of settlement were taken up.

A total number of **28,887** cases were listed in the National Lok Adalat. Out of the said cases, **2,934** cases were disposed of through amicable settlement. Amount to the tune of **Rs. 7,86,51,797/-** was also settled.

STATISTICAL INFORMATION
STATEMENT SHOWING THE PROGRESS OF LOK ADALATS HELD IN
THE STATE OF UTTARAKHAND
FOR THE PERIOD FROM JANUARY, 2017 TO MARCH, 2017

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	02	239	112	39,87,155	2,35,238	112
02	BAGESHWER	04	282	82	5,11,034	1,38,850	82
03	CHAMOLI	01	332	80	39,96,014	1,75,338	80
04	CHAMPAWAT	02	1198	126	6,43,320	1,84,800	126
05	DEHRADUN	04	9312	1364	99,71,943	16,62,605	1387
06	HARDWAR	03	11847	1196	2,30,75,842	3,31,400	1206
07	NAINITAL	01	4070	380	84,35,482	7,58,226	380
08	PAURI GARHWAL	01	249	84	48,58,165	1,16,050	100
09	PITHORAGARH	03	903	185	42,76,268	2,26,000	198
10	RUDRAPARYAG	01	200	67	6,23,196	35,000	67
11	TEHRI GARHWAL	01	760	92	25,46,500	1,99,800	92
12	U.S. NAGAR	01	3840	424	1,63,95,922	5,98,800	440
13	UTTARKASHI	03	706	146	32,91,669	1,80,437	198
	TOTAL :-	27	33938	4338	8,26,12,510	48,42,544	4468

**STATEMENT SHOWING THE PROGRESS OF CAMPS ORGANIZED IN THE
STATE OF UTTARAKHAND FOR
THE PERIOD FROM JANUARY, 2017 TO MARCH, 2017**

S. No.	Name of DLSA's	No. of Camps Organized	No. of Persons Benefited in Camps
01	ALMORA	25	2364
02	BAGESHWER	32	4982
03	CHAMOLI	104	4439
04	CHAMPAWAT	08	1205
05	DEHRADUN	33	4460
06	HARDWAR	45	6523
07	NAINITAL	22	2293
08	PAURI GARHWAL	97	7662
09	PITHORAGARH	21	1618
10	RUDRAPARYAG	12	3030
11	TEHRI GARHWAL	27	1744
12	U.S. NAGAR	41	5658
13	UTTARKASHI	16	5100
	TOTAL :-	483	51078

**STATEMENT SHOWING THE PROGRESS OF LEGAL AID AND
ADVICE/COUNSELING PROVIDED IN THE STATE OF UTTARAKHAND FOR
THE PERIOD FROM JANUARY, 2017 TO MARCH, 2017**

S. No.	Name of DLSA's	No. of Persons Benefited through Legal Aid & Advice	
		Legal Aid	Legal Advice/ Counseling
01	ALMORA	15	04
02	BAGESHWER	08	-
03	CHAMOLI	11	07
04	CHAMPAWAT	04	-
05	DEHRADUN	74	-
06	HARDWAR	54	11
07	NAINITAL	30	-
08	PAURI GARHWAL	12	52
09	PITHORAGARH	10	-
10	RUDRAPARYAG	-	-
11	TEHRI GARHWAL	10	06
12	U.S. NAGAR	67	-
13	UTTARKASHI	03	-
14	H.C.L.S.C., N.T.L.	30	06
15	U.K. S.L.S.A., N.T.L.	-	23
	TOTAL :-	328	109

**UTTARAKHAND JUDICIAL AND LEGAL ACADEMY, BHOWALI,
NAINITAL**

**Training Programmes held in the month of
January, February and March, 2017 :-**

S. No.	Name of Training Programmes/ Workshops	Duration
1.	Foundation Training Programme for Newly Recruited Civil Judges (J.D.) 2014 Batch (2 nd phase of Institutional Training)	18 December, 2016 to 17 April, 2017 (04 Months)
2.	Workshop on Survey Methodology & Procedure for Civil Judges (Sr. Div.& Jr. Div.) (1 st phase)	20 & 21 March, 2017 (Monday & Tuesday) (for two days)
3.	Workshop on emerging trends and recent developments in Criminal Laws for CJM's/Judicial Magistrates (1 st phase)	27 to 31 March, 2017 (Monday to Friday) (for five days)

* * * * *



Hon'ble Mr. Justice S. K. Gupta hoisting the National Flag on 26th Jan, 2017 on the eve of Republic day.



Hon'ble Mr. Justice U. C. Dhyani delivering talks with the Judicial Officers of 2014 batch through video conferencing.



Hon'ble Mr. Justice Adarsh Kumar Goyal, Judge Supreme Court of India with Hon'ble the Chief Justice & Hon'ble Judges of High Court during his visit to Nainital

Foundation Training Programme for Newly recruited Civil Judges (J.D), 2014 Batch (IInd Phase of Institutional Training



Workshop on Survey Methodology and Procedure for Civil Judges (S.D & J.D) Ist Phase.

