

JUDGMENT RESERVED.

There is common complaint of back-log of cases and dissatisfaction of the litigants for non-disposal of cases, specially in those cases where the arguments were heard and judgment reserved but ordered subsequently “depart heard”, or the arguments heard and “judgment reserved” but not pronounced.

Due to inordinate, unexplained and negligent delay in pronouncement of the judgment, many cases remain in the area of “judgment reserved” for long periods. Any procedure or course of action which does not ensure reasonable quick adjudication has been termed to be unjust. Such a course is stated to be contrary to the maxim “*actus curiae neminem gravabit*” that an act of the Court shall prejudice none.

Delay in disposal of cases on account of inadequate number of judges, insufficiency of infrastructure, strike by lawyers and the circumstances attributed to the state and other like causes, is understandable though are redeemable, but once the entire process of participation in justice delivery system is over and only thing to be done is the pronouncement of the judgment no excuse can be found to further delay for adjudication of rights of the parties.

One more practice has been developed in recent past that also causes delay and unnecessarily burden on the counsels representing the parties, i.e., arguments are being heard for a fix time on weekly basis and matter lingers on for months, and on one fine morning, a short order is passed “matter not to be treated as part heard”, due to change in roaster or like other reasons.

It is true, that for the High Court, no period for pronouncement of judgment is contemplated either in Civil Procedure Code or Criminal Procedure Code, but as the pronouncement of judgment is a part of justice dispensation system, it has to be without delay. In our society where people consider the judges only second to “God”, efforts have to be made to strengthening that belief of common man. Delay in disposal of cases amounts to facilitate the people to raise eyebrows, sometime genuinely which, if not checked may shake the confidence of the people in the judicial system. Time has come when the judiciary itself has to assert for preserving its stature, respect, and regards, for the attainment of the rule of law. It is the policy and purpose of law, to have speedy justice for which efforts are required to be made to come to the expectation of the society in ensuring speedy, untainted and unpolluted justice.

In order to check such delays, an appropriate action/direction is required by the concerned authority and that should be implemented to check the delays between “judgment reserved” and “judgment announced”.

Justice (R) Shabbir Ahmed.