

Sudhir Bale Vs Bilal Rai and Others

Court: Delhi High Court

Date of Decision: July 23, 1984

Citation: (1984) 7 DRJ 140 : (1985) 1 RCR(Criminal) 354 : (1984) RLR 541

Hon'ble Judges: D.R. Khanna, J

Bench: Single Bench

Judgement

D.R. Khanna, J.

(1) In a matrimonial matter where sensitivities of the parties are deeply involved, every attempt should be made to dispose of the cases as

expeditiously as possible. Anand J. had already made directions in this regard. Moreover, the petitioner being a young woman, is working at

Gurgaon, and frequent attendance in court naturally is likely to affect her duties apart from being expensive. The "trial court should weigh these

considerations, and, Therefore, expedite decisions. It should be impressed-upon both the sides to be present promptly on the dates fixed for

hearings. No possible impression should be allowed to be created by conduct or gestures of not being favorably inclined to one party or the other.

Judicial balance not only should be reflected in the orders made, but should get displayed in the attitude and conduct of cases in court. No

particular order which can bring out prejudice or disfavor able dispossession has been brought out and I have no reason to take it that the trial

court did not adhere to this desired course of conduct in court either.

(2) The trial court has mentioned that in most of the cases adjournments for recording of evidence are given to the extent of over six months. In the

present cases, they have been shorter extending to two or three months. They should be curtailed further if possible as such like cases arising from

matrimonial disputes need to be disposed of early. Having made these observations I am not inclined to transfer the cases. Such transfers not often

result in more delays. The trial court, of course should proceed expeditiously in the light of the observations made above.

(3) Before concluding it need also to be mentioned that when witnesses of a party are present, the court should make every possible endeavor to

record their evidence and they should not be called back again. The work fixation of the court should be so arranged as not to direct the presence

of witnesses whose evidence cannot be recorded. Similarly, cross-examination of the witnesses should be completed immediately after the

examination in chief and if need be within a short time thereafter. No long adjournment should be allowed.

(4) The petitioner has made reference to Section 309 Cr. P. C. which provides that once the examination of witnesses has begun, the same should

be continued from day to day. This is indeed solemn rule of procedural law and should be adhered to as far as possible. However, considering

large tendencies and the work load with the courts, strict adherence to this rule is becoming illusive, and for that the blame cannot be entirely

placed upon the courts concerned.

(5) The applicant/Complainant was married to respondent No. 1 in April 1979 but just after a month she was turned out of her matrimonial home

because she could not meet the dowry demands. Thus the applicant lays the blame of wrecking the matrimonial union on the respondent. , In this

regard on criminal case u/s. 384 I. P. C., initiated by the state is pending from 1979, and the other two u/s 406 and 500 I. P.C. pending since

1981. Hon"ble Anand J, had on earlier occasion directed for speedy disposal of the case. It is alleged by the applicant/complainant, however, that

the trial court, has not been disposing them expeditiously and has been allowing frequent and long adjournments. It is also alleged that the court for

as many as 8 hearings, having travelled. Even for cross-examination of the witnesses, adjournments, are being allowed. Therefore, the petitioner

prayed for transfer of the case to other court of competent jurisdiction, and in the alternative be given directions to the trial court to dispose the

cases as expeditiously as possible.