

2022 LiveLaw (SC) 335

IN THE SUPREME COURT OF INDIA

SANJAY KISHAN KAUL; M.M. SUNDRESH, JJ.

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 18912/2020; 28-03-2022

SURENDRA PRATAP SINGH VERSUS VISHWARAJ SINGH

Judgments - Practice of pronouncing final order without a reasoned judgment - Serious difficulties are caused on account of the said practice - Even if such oral orders were to be pronounced, it is expected that they are either dictated in Court or at least must follow immediately thereafter to facilitate the aggrieved party to seek redressal from the higher Court. [*Referred to State of Punjab & Ors. v. Jagdev Singh Talwandi - (1984) 1 SCC 596 and Balaji Baliram Mupade & Anr. v. State of Maharashtra & Ors. - 2020 SCC Online SC 893*] (Para 2-3)

Summary - High Court dictated operative portion of the order on 06.11.2019 but the final order was dictated only on 15.03.2020 i.e. after 4 months and it typed out and corrected on 15.04.2020 - Supreme Court observed that it has repeatedly frowned upon the aspect of the oral orders being passed.

(Arising out of impugned final judgment and order dated 06-11-2019 in FA No. 327/2017 passed by the High Court of Judicature at Allahabad)

For Petitioner(s) Mr. Devendra Singh, AOR Mr. Anant Kumar Vatsya, Adv. Mr. Sameer Singh, Adv. Ms. Neelam Singh, Adv. Mr. Vatsya Krishnaiya, Adv. Mr. Vijay Kumar Singh, Adv. Mr. Sahil Lochab, Adv. Mr. Vivek Mishra, Adv. Mr. Soumitra Chatterjee, Adv. Ms. Sriparna Chatterjee, Adv.

For Respondent(s) Mr. Mithilesh Kumar Singh, AOR Ms. Manju Singh, Adv. Mr. Tarun Verma, Adv. Mr. Neeraj Tripathi, Adv. Mr. Shadab Husain Khan, Adv. FOR High Court Ms. Preetika Dwivedi, AOR Mr. Rahul Raj Mishra, Adv.

ORDER

I.R. and IA No.88721/2020-CONDONATION OF DELAY IN FILING

We have perused the affidavit filed on behalf of the High Court. What emerges is something which we cannot countenance. It is stated that the operative portion of the order was dictated in Court on 06.11.2019 but the final order was dictated only on 15.03.2020 i.e. after 4 months! Since there were many orders pending, it is stated to have been typed out and corrected on 15.04.2020.

This Court has repeatedly frowned upon the aspect of the oral orders being passed as there is a further remedy available to the affected parties. It is as far back as in ***State of Punjab & Ors. v. Jagdev Singh Talwandi - (1984) 1 SCC 596*** that the Constitution Bench of this Court has drawn the attention of the High Courts to serious difficulties which are caused on account of a practice which were increasingly being adopted by several High Courts, that of pronouncing the final order without a reasoned judgment.

We have recently culled out the law on this issue in ***Balaji Baliram Mupade & Anr. v. State of Maharashtra & Ors. - 2020 SCC Online SC 893*** decided on 29.10.2020. We have inter alia observed that even if such oral orders were to be pronounced, it was expected that they are either dictated in Court or at least must follow immediately thereafter to facilitate the aggrieved party to seek redressal from the higher Court.

Be that as it may, in view of the aforesaid facts and circumstances, we condone the delay in filing the application.

A copy of this order as well as the order in ***Balaji Baliram Mupade & Anr. v. State of Maharashtra & Ors.*** (supra) be placed before the Chief Justice of the High Court, to be circulated to the Hon'ble Judges.

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Learned counsel for the respondent has entered appearance. Both the counsel state that it will be appropriate to refer the matter to the Supreme Court Mediation Centre.

Let the parties appear before the Supreme Court Mediation Centre virtually or physically on 01.04.2022 and make a genuine effort to work out a mutually acceptable settlement.

The learned Mediator will endeavour to submit the report before the next date.

List for the report of the Mediator on 19.05.2022.