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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ RFA 78/2014

NEW DELHI MUNICIPAL CORPORATION Appellant
Through Mr. Viraj R. Datar, nominated
counsel for Delhi High Court in C.M.
32885/2016

versus

M/S PROMINENT HOTELS LIMITED Respondent
Through

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

ORDER
07.09.2016

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1. The High Court is seeking modification of paras 31.2, 31.3 and 31.4 of the judgment dated 11th September, 2015 whereby certain directions have been given to the Trial Courts. Since the modification sought does not concern either of the parties, notice to the parties is dispensed with and the application is taken up for hearing.
2. Learned counsel for the applicant submits that the directions contained in paras 31.2, 31.3 and 31.4 have a salutary effect on the process of streamlining and purifying the system of administration of justice and aim to achieve speedy and effective disposal of cases pending before the District Courts. It is further submitted that it is necessary to decide the modalities for implementation of the aforesaid directions without disturbing the regular judicial work. It is further submitted that a decision is necessary to be taken by the Hon'ble Chief Justice on the Administrative side about the consequential decisions to be taken by the ACRs Committees/Committees of Inspecting Judges of this Court while recording the ACRs of the Judicial

officers. It is prayed that the matter be placed before the Hon'ble Chief Justice on the Administrative side for taking appropriate decision regarding the modalities to be followed for implementation of the directions contained in paras 31.2, 31.3 and 31.4 of the judgment dated 11th September, 2015.

3. This Court is satisfied that this matter be placed before Hon'ble the Chief Justice on the Administrative Side for working out the modalities for implementation of the directions contained in the judgment dated 11th September, 2015.

4. This Court is further of the view that Section 209 of the Indian Penal Code should be invoked in cases of false claims. In a recent decision of this Court in ***H.S. Bedi v. National Highway Authority of India***, 220 (2015) DLT 179, this Court has examined the scope of Section 209 of the Indian Penal Code.

5. In view of the above, the application is allowed and paras 31.2, 31.3 and 31.4 of the judgment are substituted with the following two paragraphs:

“31.2 This Court is of the view that day-to-day trial should be conducted in such frivolous suits. This Court is further of the view that Section 209 of the Indian Penal Code should be invoked in cases of false claims. The first thing required in this regard is to identify the frivolous cases pending before the Trial Courts. This Court is of the view that the Courts below should initially scan the pending cases which are more than five years old and identify cases in which there is prima facie material to show that having secured an ad-interim order, the litigant is deliberately delaying the disposal of the suit. The Trial Courts should also identify the cases in which there is an objection to the jurisdiction of the civil Court to entertain and try the suit. This Court is further of the view that the Trial Courts should complete this exercise within two months and submit their report with respect to the

particulars of such cases to the District Judges who shall place the report before the ACR Committee of the respective Trial Court Judges. The hearings of such cases also need to be expedited with a fixed time frame.

31.3 This judgment be placed before the Hon'ble Chief Justice of this Court on the Administrative side for considering the aforesaid suggestions and issuing appropriate directions.”

6. Copy of this order be given *dasti* under signature of the Court Master to learned counsel for the applicant.

J.R. MIDHA, J.

SEPTEMBER 07, 2016

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