IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4022 /2020
IN
[SLP [C] NO. 15137 2020]
D. NO. 21991/2020

ORIENTAL INSURANCE CO. LTD. Appellant(s)

VERSUS

ZAIXHU XIE & ORS. Respondent(s)

O R D E R

Delay condoned.

Leave granted.

We have heard learned counsel for the appellant and learned counsel for respondent Nos. 1 and 2/ the petitioner claimants. We have also perused the report of the Registrar General placed before us in compliance of the order dated 16.11.2020.

On the basis of the report what emerges is that the file was received in the Chamber of the learned Judge on 11.07.2019 whereafter the matter was taken up on different dates but arguments were only heard on 30.07.2019 in part. It is stated that on 31.07.2019 at about 2.15 p.m. after hearing the further arguments the operative portion/conclusion of the decision was 'indicated' in the Court itself in the presence of the counsel for the parties. Thus, it appears that even

the concluding paragraph was not penned down. The judgment is stated not to have been reserved.

The file was, however, sent back to the Registry after 9½ months on 15.05.2020 and the judgment was uploaded on the same date.

The certified copy of the order was applied on 29.01.2020 (it is the say of the appellants that there was no pronouncement of any order on 31.07.2019). There was some lapse in preparation of the certified copy due to Covid.

It is stated that from the report received from the Court Master of the concerned Court, some aspects of the different number of cases dealt with by the learned Judge have been set out as also some personal difficulty of the Judge for some period of time.

In a recent judgment in *Balaji Baliram Mupade & Anr. v. The State of Maharashra & Ors.* [Civil Appeal No. 3564 of 2020] dated 29.10.2020, we had been called upon to comment on a similar scenario. We had emphasized that judicial discipline requires promptness in delivery of judgments, an aspect repeatedly emphasized by this Court when this problem gets compounded where the result may be known but not the reasons depriving the aggrieved party of opportunity to seek further judicial redressal. We have also referred to the Constitution Bench judgment of this Court delivered as far back as in 1983 in *State of Punjab & Ors. vs. Jagdev singh Talwandi* (1984) 1 SCC 596, which drew the attention of the High Court to serious difficulties caused on account of practice which was being

increasingly adopted by several High Courts of pronouncing the final orders without reasoned judgments. We have also referred to the subsequent judgments even delivered by this Court in our aforesaid judgment but there is no purpose in repeating the same.

We appreciate that the learned Judge may have delivered a number of judgments and dealt with many cases and in the interregnum period may have even faced some personal difficulty as set out in the report but that does not take away from the fact that the process which was required to be followed as set out in the judicial pronouncements has not been followed in the present case. If a judgment cannot be delivered on the same date or immediately thereafter, logically the judgment ought to have been at least reserved to facilitate the Judge to pen down the order. Result of not doing so is that the appellant being the aggrieved party, is unable to avail of the legal remedy.

We have to follow the same course of action as in the judgment referred to aforesaid and thus set aside the impugned order and remit the matter back for reconsideration of the High Court on merits, uninfluenced by the reasons which have been set out in the impugned order.

Needless to say the matter would be taken up by a Bench not consisting of the member who constituted the bench earlier.

The appeal is allowed in the aforesaid terms leaving the parties to bear their own costs.

……..J.
[SANJAY KISHAN KAUL]

……..J.
[DINESH MAHESHWARI]

……..J.
[HRISHIKESH ROY]

NEW DELHI;
DECEMBER 11, 2020.

ITEM NO.28 Court 5 (Video Conferencing) SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 21991/2020
(Arising out of impugned final judgment and order dated 31-07-2019 in MACAP No. 976/2018 passed by the High Court Of Delhi At New Delhi)

ORIENTAL INSURANCE CO. LTD. Petitioner(s)

VERSUS

ZAIXHU XIE & ORS. Respondent(s)
(FOR ADMISSION and I.R. and IA No.104573/2020-CONDONATION OF DELAY IN FILING and IA No.104574/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 11-12-2020 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Ms. Aishwarya Bhati, Sr. Ad.v
Mr. Mohan Babu Agarwal, Adv.
Ms. Akansha Agarwal, Adv.
Mr. Celeste Agarwal, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s) Mr. Arvind Chaudhary, Adv.
Mr. Atishi Dipankar, AOR

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order leaving the parties to bear their own costs.

Pending application stands disposed of.

(CHARANJEET KAUR) (ANITA RANI AHUJA)
ASTT. REGISTRAR-cum-PS ASSISTANT REGISTRAR
[Signed order is placed on the file]