DECIDING OLD (EST) CASES

(By Justice S.U.Khan)

In the Times of India Newspaper dated 27.5.2023 there is an article on Editorial page 'Data in The Dock' by Bibek Debroy and Aditya Sinha referring to some cases decided after more than half a century. Apart from advice to decide old cases on priority basis, concrete steps for the same are seldom chalked out. One such step is suggested as follows: -

Normally cases are listed (dates are fixed therein) on random basis. If one of the parties in a case is much interested in early disposal of the case, he makes efforts in such direction, fair or unfair, and the case is quickly, repeatedly listed (date fixed). There is no set pattern of fixing dates in cases in orderly manner. Neither the cases may be heard strictly chronologically (some cases may require urgent, out of turn hearing) nor on purely random basis. The best way is to divide the time of the Court between the two.

To start with, one fixed day of week (say tuesday) for every judge/ court may exclusively be allotted to specified oldest cases. A list of 100 oldest cases must be prepared for every Court, out of all the pending cases in the said Court. After decision of 50 cases

therefrom, fresh 50 oldest cases shall be added in the list. On every tuesday dates must be fixed only in the cases of the said list (giving further priority to the oldest cases in the said list) and in no other case. The figures of 100 and 50 may be varied for different courts on the basis of experience gained within 2 or 3 weeks or even thereafter. Parties or advocates may try to avoid old cases. Judges will have to check the tendency tactfully by persuading, adjourning the case for only one or two weeks and by imposing heavy cost. Actually a new culture of deciding oldest cases has to be established and such things take time and require perseverance.

If the formula works, in stead of one, more days in a week (2 or 3) may be allotted to oldest cases and the list of such cases, may be made long say of 200 or 300, cases.

If the formula does not work, it may be abandoned, and some other formula may be searched. However, it deserves / requires a trial. I evolved this formula after about 6 months of my elevation as Allahabad High Court Judge and applied the same for listing of cases in my Court. It proved very effective, beyond my expectation.

There is a madding crowd of cases in every Court. However, there may be some method and order in madness also.