

Long, Long, Looooong Road to Justice, Indian Ishtyle !



Justice Delayed is Justice Denied !

Justice Delayed is Justice Denied – so said Gladstone, and oft repeated by all the Wise (w0)men !

But there is Law, there are Lawyers and then there is the Complainant who hardly has any knowledge of law, except that he has been wronged and a law exists, hopefully to help him.

Here is what happens. An example of a personal experience at a Consumer Court , repeated innumerable times in Indian Courts, I am sure. See carefully the attempts made. So that you can be forewarned what can / may happen in Courts.

Who is to blame ?

Those who are guilty. Since they will take recourse to all measures to delay. And for each delay, they rejoice since that is their measure of success, howsoever temporary.

Some say the judiciary also pitches in. Thankfully, that has not (generally) been my experience till date, at least from April 2015 when I started appearing in person in Court. Opposite Parties have been consistently fined for adjournments (except last time, wonder why ?) . But they still attempt. And now they attempt to mislead and obfuscate during arguments, as they have been doing all this time.

I pray to God they don't succeed and will do my utmost to see to it.

What is YOUR view ? And what you think should be done ? What can YOU do about it ? ? Comment in !

Or would you rather prefer to wait for when, God forbid, you are on the receiving end of this " System " ?

S.N.	Date	Details
1	11-Mar-08	Complaint taken on record. Notice issued to OP.No reply from OP.
2	28-Apr-08	OP's LC seeks 6 weeks time to reply with Records. He says earlier Complaint had no accompaniments and only now he has got them but Page 52 is still missing. LC for CN says he shall supply this page before day's end.
3	16-Jul-08	Ld. counsel appearing on behalf of opposite parties seeks further six weeks' time for filing its written version . For this adjournment, opposite parties shall pay Rs.2000/- to the complainant as costs. Stand over for directions on 12.9.08
4	17-Oct-08	LC for OP seeks 1 week time to pay costs of Rs. 5,000 to CN. OP's reply filed across the table-may be taken on record. He has also given copy of same to CN's LC. LC for CN seeks 4 weeks time to file rejoinder. Granted.

5	28-Jan-09	Learned counsel for the opposite parties states that he will pay the cost of Rs.5,000/- to the complainant today itself. Learned counsel for the complainant is directed to file the rejoinder, if any, within four weeks. List the case on 7-7-2009 for further directions.
6	7-Jul-09	None appears on CN's behalf. Per record, CN has already filed rejoinder. OP says not received. Registry directed to supply him a copy. CN to file Evidence Affidavit within 4 weeks. Copy of proceedings sent to CN.
7	10-Sep-09	CN says will file EA during the day and will send a copy to OP's counsel. OP to file Evidence affidavit 3 weeks thereafter.
8	4-Nov-09	LC for CN directed to supply a copy of its Evidence affidavit within one week to OP.
9	18-Dec-09	LC for CN directed to supply a copy of its EA to OP.
10	10-Feb-10	LC for CN directed to supply again a copy of its EA to OP (Comments : Although there is clear proof on record that EA- Evidence Affidavit -has already been supplied by Complainants to Opposite Parties)
11	9-Apr-10	No ground for early hearing is made out. Misc. application is dismissed.
10		Listed for Directions on 9th Oct. 2014
11	9-Oct-14	Learned counsel for the parties present. Arguments heard. The opposite party has already filed the evidence and before filing of the evidence, learned counsel for the complainant has moved an application that its evidence should be closed. This argument is meritless since the evidence has been filed. Therefore, this argument is left out of consideration. Learned counsel for the complainant is not ready with the arguments. Therefore, the matter is adjourned to 6.4.2015 for final arguments.
12	6-Apr-15	Counsel for the parties present. As we are busy in hearing a matter pertaining to the year 2001, the matter is adjourned to 28.01.2016, for final arguments.
13	1-May-15	An application has been filed by the petitioner. Notice be sent to the opposite parties returnable on 28.1.2016, the date already fixed. Comments : This is an application under S. 340. Evidence clear as water to the plain eye. Delivered PERSONALLY to OP's Counsel Office by complainant.
14	28-Jan-16	Complainant is present in person. Counsel for the Opposite Parties is present. Reply not filed. Last opportunity is granted for 10.03.2016. Comments : OP's Counsel says did not receive the S. 340 application !! Complainant showed the receipt to the Judge and explained he has personally delivered. When OP's Counsel said the person delivered to " has left the organisation" and they have no idea what happened to the application !!
15	10-Mar-16	As we are busy in hearing the arguments in another case, no time would be left to hear this matter. Therefore, the matter is adjourned to 02.06.2016 for final hearing.
16	2-Jun-16	Complainant No. 3 is present in person. Counsel for the Opposite Parties has moved an application, seeking adjournment on the ground that due to personal reasons he has gone out of station, hence cannot appear. The complainant submits that he has come from Noida and incurred enough time and expenditure. The complainant further submits that he loses his salary for coming to this Commission. It was the duty of the counsel to inform the opposite parties (Complainants), beforehand. Adjournment is granted subject to payment of Rs.500/- as costs, which will be paid to the complainant, who is present before this Commission. Last and final opportunity is granted for filing written submissions and for final arguments on 18.07.2016. It is made clear that no other opportunity shall be granted. If the Counsel for the Opposite Parties is busy or cannot appear before the Commission on the date fixed, he must make some other arrangement. No further opportunity shall be given on any ground. It is brought to our notice that OP's advocate, Advocate, who has moved the application for adjournment, has not even filed his Vakalatnama. This point is being kept open and will be heard on the next date of hearing, i.e., on 18.07.2016. Comments : Just one day before the hearing on 10th March 016, OP filed reply to S. 340 application of the Complainant. Court registry refused to accept (maybe since proof of delivery to Complainant did not accompany the application). Later, OPs moved an application for condonation of delay which was accepted by Court.
17	18-Jul-16	Despite of the clear directions and last opportunity given, opposite parties have failed to file written submissions. Learned counsel for the opposite parties requests for one more adjournment to do the needful. Matter is adjourned, subject to cost of Rs.9,900/- to be paid by the opposite parties to the complainants by way of bank draft of Rs.3,300/- each in the name of respective complainants. Needful be done within four weeks with copy to complainant No.3.

18	27-Sep-16	<p>Complainant No.3 is present in person, vehemently objects for the presence of counsel for opposite parties on the ground that there is no Vakalatnama on record till date from the said counsel and, therefore, he has no authority to appear on behalf of the opposite parties. This issue was also raised during previous occasion. OPs LC undertakes to file his Vakalatnama within a week. The complainant seeks to impose cost for not filing Vakalatnama by the said counsel. This point will be decided on the next date of hearing. The complainant also brought to the notice that the opposite parties have not paid the cost imposed upon them during the previous proceedings (Rs.500/-). Therefore, it is also directed to OPs learned counsel, to verify and pay the cost, if any, due from the opposite parties by the next date of hearing. This case is already ripe for arguments which may entail lengthy arguments. Therefore, I prefer to hear the arguments before the Division Bench. Therefore, list the matter for final arguments on 21-11-2016.</p> <p>Both the parties are directed to file short synopsis of their arguments not exceeding three to four pages with cross references and pagination as per the court file within two weeks prior to the date of arguments with advance copy to each other.</p>
19	21-Nov-16	<p>An adjournment is sought on behalf of the opposite parties on the ground that the OP's counsel is in personal difficulty. An application in this regard was moved on 15-11-2016. On perusal of the application we do not find details of the actual difficulty which has prevented the counsel from appearing. We are not convinced with the ground for adjournment. Matter is adjourned subject to cost of Rs.10,000/- to be paid to the complainant No.3 through bank draft in his name on or before the next date of hearing.</p> <p>List on 20-12-2016 for final arguments. No further adjournment shall be granted.</p>
20	20-Dec-16	<p>(Abridged) : Based upon comments by OP's counsel, Hon'ble court found some prior record (not directly relevant to case, but will only add to CNs case, as I know) not given by CNs. Complainant seeks an adjournment to move an application seeking permission to file the record . Application, if any, be filed before the next date of hearing with advance copy to the learned counsel for the opposite parties. Cheque of Rs.10,500/- has been given to the complainant No.3 against the previous cost which is accepted subject to encashment of the cheque.</p> <p>Comments : Document sought has ALREADY Been referred to both by OPs as well as CNs in their submissions. OP knows this fully well. This is just a delaying tactic but since it will make CN's case stronger, this is for the good.</p>
21	22-May-2017	<p>Counsel for the Opposite party states that he does not wish to file reply to Interim Application of complainants seeking permission to file the record. Counsel for opposite party has no objection if the application is allowed, subject to cost. In view of the concession given at the bar and the nature of documents sought to be filed, application is allowed.</p> <p>List on 15.1.2018 for final hearing.</p> <p>Comments: As expected, OP's counsel had NOTHING to say/ object to !! Yet in the process, he has managed to DELAY the case by a year ! Ah well, at least the CN's case becomes stronger...</p>
22	15-Jan-2018	<p>Proxy Counsel says the arguing counsel had met with an accident eight to ten days back and that he had been advised bed rest. Since this is a ten year old matter, final opportunity is given to the opposite parties to argue the case.</p> <p>Complainant No.3 who is present in person pointed out that the names of a number of advocates have been mentioned on the Vakalatnama including that of the arguing counsel. However, in the case of the arguing counsel , the bar council enrollment number has not been mentioned. The learned proxy counsel stated that the said number shall be got mentioned before the next date of hearing.Comments : These tricks have been played by OP's counsel in the past too. WHERE does this end and WHY does the Court allow this to go on!! CN asked for costs to be put but NONE put !! Note ALSO that this seems to be a "fake lawyer" to begin with as he has not put BCI enrollment number on the Vakalatnama, which is REQUIRED per Bar Council of India Rules. Ah well, the CN is getting smarter, at least !!</p>