

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 Opposite Parties (OP).No reply from OP.
2	28-Apr-08	OP's Learned Counsel (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 Complainants (CN). OP's reply filed across the table-may be taken on record. He has also given copy of same to CN's Learned Counsel. 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 (EA) 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 it's 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	<p>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.</p> <p>Comments : Since matter was listed only for Directions, arguments were not supposed to take place that day anyways !! CN's LC has no idea why the order says what it says.</p> <p>For various reasons (NOT the above one since that is a minor matter) , CNS decide to start appearing in person next date onwards.</p>
12	6-Apr-15	<p>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.</p> <p>Comments : CN appeared in person. Yet the order says what it says,</p>
13	1-May-15	<p>Order : An application has been filed by the petitioner. Notice be sent to the opposite parties returnable on 28.1.2016, the date already fixed.</p> <p>Comments : This is an application under S. 340 of Criminal Procedure Code (CrPC). This is on a serious matter.</p> <p>Evidence clear as water to the plain eye. Delivered PERSONALLY to OP's Counsel Office by complainant.</p> <p>For those interested, you can read about S. 340 CrPC here .</p> <p>S. 340 CrPC in turn refers to S. 195 CrPC, which can be found here.</p> <p>And, if you want to pursue further, offense made out is under, among various sections, S. 193 of India Penal Code. Read about S. 193 of Indian Penal Code here.</p> <p>While all above provisions (and many more !!) exist, they are generally not invoked since very difficult to prove. In this case however, by sheer divine will, proof is evident ! This will put the OPs in hot water indeed.</p>
14	28-Jan-16	<p>Complainant is present in person. Counsel for the Opposite Parties is present. Reply (to S. 340 application) not filed. Last opportunity is granted for 10.03.2016.</p> <p>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 !!</p>
15	10-Mar-16	<p>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.</p>
16	2-Jun-16	<p>Order : 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.</p> <p>Adjournment is granted subject to payment of Rs.500/- as costs, which will be paid to the complainant, who is present before this Commission.</p> <p>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.</p> <p>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.</p>
17	18-Jul-16	<p>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.</p> <p>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.</p> <p>List on 27.9.2016</p>

18	27-Sep-16	<p>Order : 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.</p> <p>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.</p> <p>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>Order : 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.</p> <p>No further adjournment shall be granted.</p>
20	20-Dec-16	<p>Just as CN started arguing their case, OP's counsel interrupted saying some prior record not submitted (although not concerned at all with matter at issue !!) CN said they can even now submit the record. Hon'ble Court granted permission.</p> <p>Order : 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>List on 22 Feb. 2017Comments : 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.Proceedings on 2nd Feb. 2017</p> <p>Order : Complainants have moved an I.A. seeking permission to file additional documents. Learned counsel for the OPs seeks time to file reply. Reply, if any, be filed to the application, within four weeks.</p> <p>List on 22.05.2017.</p>
21	22-May-2017	<p>Order : 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>Order : 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, <u>final opportunity is given to the opposite parties to argue the case.</u></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.</p> <p>List the matter on 30th May 2018 for final hearing</p> <p>.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 <u>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.</u> Ah well, the CN is getting smarter, at least !!</p>
23	30th May 2018	<p>OP's advocate (so far the arguing counsel – say Lawyer No. 1 -LN1) – the lawyer without Vakaalatnama first and even now with a defective vakalatnama – who has been reason for adjournments, now says his 'senior' (say lawyer No. 2 will argue the case and since the 'senior LN2 ' is busy, seeks another date ! Although earlier other OP advocates have been seeking adjournment since the LN1 is busy, has met with an accident etc. etc.. For example, refer to order dated 15 Jan. 2018 above.</p> <p>CN strongly objects. OP's advocate says adjournments have been caused by CN since he has been hiding 'previous records'. CN again strongly objects. Honorable Court tells him to present in open court his case on this matter. Which he does. No rebuttal from the unauthorized lawyer.</p> <p>CN vehemently asks for costs. Not granted and next date of hearing set for 16th Aug. 2018.</p> <p>In the order of the HC, reason for adjournment is not mentioned. Also the fact that complete rebuttal has been made to false allegation of LN1 is not clearly brought out !!</p> <p>Order : List the matter for final hearing on 16th Aug. 2018.</p> <p>Comments : Upon seeing the Order after few days, CN moves an application setting out facts clearly and seeking an amendment.</p>
24	16th Aug 2018	<p>Again, LN1 turns up with no LN2 in view !! However, since anyway there is only single judge present, Honorable Judge does not proceed with arguments and sets next date.</p> <p>Order : List the matter for final arguments before the Division Bench on 01.11.2018 at 2.00 pm.</p>
25	1st Nov. 2018	<p>Three lawyers from OPs side turn up. None of them is either LN1 or LN2. They plead for another date since their ' senior' is busy !! CN objects. The bench allows him to present his arguments and after listening to him for a while, sets a 'short date'.</p> <p>Order : Heard in part. List on 22nd November 2018 in final hearing matters</p> <p>Comments : So, after ten years, at last a 'part' hearing !!</p>
26	22nd Nov. 2018	<p>Since <u>full quorum of judges is not present</u>, matter adjourned to 2nd Jan. 2019 for final hearing .</p>
27	2nd Jan. 2019	<p>As Opposite Party's Senior Counsel is out of country, hearing adjourned to 17th Jan. 2019</p>
28	17th Jan. 2019	<p>Part Hearing by the Complainant. NDOH (next date of hearing) 23rd Jan. 2019</p>
29	23 Jan. 2019	<p>Hearing could not take place as one member of the bench unwell. NDOH 11thFeb. 2019</p>
30	11 Feb. 2019	<p>Lack of Quorum. NDOH 13 March 2019</p>
31	13th March 2019	<p>OP's Counsel absent. Short date given to 14th March 2019</p>
32	14th March 2019	<p>Complainant partly heard. NDOH 10th April 2019</p>
33	10th April 2019	<p>Major pleadings of Complainant over. Bench decided to hear Opposite Party Counsel. Opposite party's submission started. Opposite party's Counsel not aware of exact procedure followed by his client on one critical aspect. Says can find out and revert. Time granted . NDOH 10th May 2019.</p>

So there you have it – a synopsis of complete and tortuous journey till date. Since matter is 'sub-judice' I have not given details but anyone can make out what is happening here.

I can appreciate the Hon'ble Judges' task as well, since the legal provisions as they exist allow some of above. Life.

Also, bear in mind this is just one forum, rights of appeal exist right up till Supreme Court , and at each such stage the proceedings may take time !!

During this journey of 10 years till now, I have met a large number of people in one way or another connected with the Indian legal system. I have met lawyers asking for tens of thousands of rupees just to appear for one hearing, and I have also met other lawyers not asking for that much. I have met people who indicated they can 'help' me for money since they in turn 'know' people , and I have met lawyers very senior who listened to me patiently for 2-3 hours and then shared their guidance without even mentioning money once.

To all above , I am very grateful since each one left me with something to learn from. Indeed, this website is a consequence of such experiences and learnings !!

NOTE : I have also decided to try and earn some 'good karma' out of all above. If you / someone you know has suffered in a Consumer matter and wants to pursue it further – or just needs to have preliminary discussions – AND is prepared for the long haul as above (may not always happen, but could) you/ they can talk to me without obligation.

[For the purpose, click here.](#) Please DO refer to link of this post so that I know the context .

Thanks for the read !!