

# HIGH COURT FOR THE STATE OF TELANGANA :: HYDERABAD

**ROC No.406/SO/2024**

**Dt: 26.02.2024**

## **CIRCULAR No. 03/2024**

Sub:- Courts –Civil & Criminal – Delay in supply of certified copies to the litigant public and to the advocates – Certain instructions issued- Reg.

- Ref:-
1. High Courts Circular in ROC No.2716/OP.CELL-E/2003, dated 10.06.2003.
  2. High Courts Circular in ROC No.4301/OP.CELL-E/2011, dated 08.12.2011.
  3. High Courts Circular No.14/2022 in ROC No.1435/SO/2022, dated 27.07.2022.
  4. High Courts Order in CRP No.3838 of 2023, dated 02.02.2024.

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Attention of all the Unit Heads is invited to the circular instructions referred above.

In-spite of the circular instructions issued by the High Court, the High Court is receiving several complaints from litigant public and advocates complaining that the copy applications are not being complied in-time due to fair copies of judgment/decree are not made ready for compliance even after pronouncement of judgments in the open court.

The Hon'ble High Court while allowing the CRP No.3838 of 2023 on 02.02.2024, has noticed a similar incident as above and directed the Registry to send a copy of the order to all the learned Principal District Judges, who in turn shall issue specific instructions to all the Judicial Officers posted under them in their respective Districts, directing them that the order and the direction issued therein shall be strictly complied. The operative portion of the order is as under:

"24. Before parting, it is necessary to issue a direction that has been observed by the Hon'ble Supreme Court in the aforesaid judgments, that the Judicial Officers in the State after hearing the I.A. or the main petition itself when he / she fixes the case for pronouncement of order, it is expected that while pronouncing the order the reasoned order would be ready and it shall be promptly sent to the concerned Section for further course of action that of uploading the same and also the file being sent to the Copying Section enabling the parties to obtain the same to avail the next legal recourse available to either of the parties."

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In view of the above, all the Judicial Officers in the State are directed that the Judgments/Orders listed for pronouncement should be carefully corrected before the pronouncement itself and no correction shall be made after signing the judgments and orders except in accordance with Section 152 of the C.P.C., after recording the correction made.

The Principal District Judges/Unit Heads in the State are further instructed to circulate copy of the order made in C.R.P.No.3838 of 2023 dated 02.02.2024 enclosing herewith, among all the Judicial Officers in the Unit and shall ensure strict compliance of the circular instructions and the orders, directions made in the above Civil Revision Petition by all the Judicial Officers in the Unit, Copying Establishments under your control, and to monitor the compliance.

The Unit Heads are also directed to monitor the compliance of copy applications filed in their unit and send compliance report to the Registrar (Vigilance), High Court for the State of Telangana, month wise, with remarks, if any.

The receipt of the Circular may be acknowledged.

  
**REGISTRAR GENERAL**

To  
All the Unit Heads in the State of Telangana.

Copy To:

1. The Prl. Secretary to the Hon'ble the Chief Justice. (With a request to place the circular before the Hon'ble the Chief Justice).
2. All the P.Ss to the Hon'ble Judges. (With a request to place the circular before the Hon'ble Judges for their Lordships' kind perusal).
3. All the Registrars, High Court for the State of Telangana, Hyderabad.
4. The Director, Telangana State Judicial Academy, Secunderabad.
5. The Secretary, Bar Council for the State of Telangana, Hyderabad.
6. The Section Officers
  - a) OP Cell
  - b) B-Spl. Section
  - c) E Section
  - d) C Section

IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

FRIDAY, THE SECOND DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

CIVIL REVISION PETITION NO: 3838 OF 2023

Petition under Article 227 of the Constitution of India, aggrieved by the Order dated 17.10.2023 passed in I.A.No. 1676 of 2023 in O.P.No. 10 of 2023 on the file of the Court of the XXVII Additional Chief Judge, City Civil Court, at Secunderabad.

**Between:**

M. Sanjay kumar, S/o M Gyaneshwar Rao, Aged about 59 years, Occ: Business, R/o Plot No 7, Surya Nagar, Kharkanna, Secunderabad

...PETITIONER/RESPONDENT/PETITIONER

**AND**

1. Shañā Educational Society, Office at Plot No. 15, Sai Baba Colony, Sitarampur, C/o St. Peters High School, Bowenpally, Secunderabad - 500 011. Rep by its Chairman T. Bala Reddy, S/o Late Joji Reddy, Aged about 79 years, R/o Plot No 16, Sai Baba Colony, Seetharampur, Bowenpally, Secunderabad, 500011.
2. T. Bala Reddy, S/o Late Joji Reddy, Aged about 79 years, Occ: President-Shanta Educational Society, R/o Plot No 16, Sai Baba Colony, Seetharampur, Bowenpally, Secunderabad, 500011.
3. K. Saroja, W/o T.V Reddy, Aged about 54 years, Occ: Vice President-Shanta Educational Society, R/o G-8, Aeroview Apartments, Begumpet, Hyderabad - 500 016.
4. T.Vijayapal Reddy, S/o Bala Reddy, Aged 56 years, Occ: General Secretary-Shanta Educational Society, R/o Sy No 2 c/o St Peter's school, Seetharampur, Bowenpally, Secunderabad,500011.
5. T. Jayapal Reddy, S/o Bala Reddy, Aged 50 years, Occ: Joint Secretary-Shanta Educational Society, R/o 2-6-1159, Bhavani Nagar, Hanamakonda - 506 001.
6. U. Rajeshwar, S/o Late Bala Raj, Aged about 55 years, Occ: Treasurer-Shanta Educational Society, R/o Plot No. 34 and 38, Kiran Enclave, Sikh Road, Secunderabad- 500 011.

7. T. Anuraag Reddy, S/o Vijaya Pal Reddy, Aged 34 years, Occ: Executive Member-Shanta Educational Society, R/o Sy No 2 c/o St Peter's school, Seetharampur, Bowenpally, Secunderabad, 500011.
8. Y. Jwanes Reddy, S/o Show Reddy, Aged 64 years, Occ: Member-Shanta Educational Society, R/o Bhudhasamudram village, Thimmajipet Mandal, Mahaboobnagar District, Telangana - 509 302.
9. Y. Sridevi, D/o Jwanes Reddy, Aged 42 years, Occ: Member-Shanta Educational Society, R/o 2-6-1159, Bhavani Nagar, Hanamakonda, Telangana - 506 001.
10. A. Sundari, W/o Jwanes Reddy, Aged 70 years, Occ: Member-Shanta Educational Society, R/o Bhudhasamudram village, Thimmajipet Mandal, Mahaboobnagar District, Telangana - 509 302.
11. G.G George Reddy, S/o Joji Reddy, Aged 68 years, Occ: Member-Shanta Educational Society, Office at St. Peters Engineering College, Maisammaguda (V), Opp T.S. Forest Academy, Dhulapally, Medchal Mandal, Medchal- Malkajgiri District, Hyderabad - 500 100.
12. Ravi Sudhakar, P.R.O, S/o. Not Known to Petitioner, Aged. Major, Occ: Public Relation Officer- Occ: Member-Shanta Educational Society, R/o Maisammaguda (V) Opp T.S Forest Academy, Dhulapally, Medchal Mandal, Medchal- Malkajgiri District, Hyderabad 500 014.
13. M. Ratna Reddy, S/o. Inna Reddy Age.52 years Office at St. Peters Engineering College, Maisammaguda Malkajgiri-500010.  
(R3 is not a necessary party)

**...RESPONDENTS/PETITIONERS/RESPONDENTS**

**IA NO: 2 OF 2023**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass an interim order suspending Impugned Order dated 17.10.2023 passed by the Learned Trial Court in I.A No. 1676 of 2023 in O.P. No. 10 of 2023 before the Honorable XXVII Additional Chief Judge, City Civil Court, at Secunderabad pending disposal of the present revision.

**Counsel for the Petitioner: SRI A VENKATESH, rep SRI. PASHAM MOHITH**

**Counsel for the Respondents: TARUN G. REDDY**

**The Court made the following: ORDER**

**THE HONOURABLE SRI JUSTICE P. SAM KOSHY**

**CIVIL REVISION PETITION No.3838 of 2023**

**ORDER :**

The present Civil Revision Petition under Article 227 of the Constitution of India has been filed by the petitioner challenging the peculiar order dated 17.10.2023 in I.A.No.1676 of 2023 in O.P.No.10 of 2023 passed by the Court of the XXVII Additional Chief Judge, City Civil Court at Secunderabad, (for short, '**the impugned order**').

2. Heard Sri A. Venkatesh, learned Senior Counsel appearing on behalf of Sri Pasham Mohith, learned counsel for the petitioner and Sri Tarun G. Reddy, learned counsel for the respondents.

3. The brief facts to understand the reason which compelled this Court to entertain the present Civil Revision Petition and also to delve into the peculiar situation that has arisen in the facts of the present case are that, the petitioner herein is the plaintiff before the Court below who had filed the O.P.No.10 of 2023 under Section 23 of the Telangana Society Registration Act, 2001. The reliefs sought for in the O.P. are as under:

- i. To declare the actions of the Respondent No. 2 to 13 in pressing into service the undated draft resignation letter of the Petitioner by forging the date and removing Petitioner as founding member of the Respondent No. 1 as illegal, arbitrary and unjust in

- law and set aside the same as null and void and not binding upon the Petitioner;
- ii. to grant a relief or mandatory injunction thereby directing the Respondent No. 2 to 13 to furnish the copies of the undated letter, undated MOU, board resolution on the basis of which Respondents have pressed into service the undated resignation letter of Petitioner and removed Petitioner as founding member of the Respondent No.1.
  - iii. to grant a relief or mandatory injunction thereby directing the Respondent No.1 to 13 to furnish all the financial accounts, books and statements of the Petitioner Society from 2006-07 to the present financial year before this Hon'ble Court
  - iv. to appoint an Advocate Commissioner to verify the vouchers, receipts, donations, balance sheets and accounts of the Respondent No.1 Society.
  - v. To consequently grant a Relief of Perpetual Injunction thereby restraining the Respondents 2 to 13, their representatives, employees and all persons acting on behalf of Respondent no.2 to 13 from illegally stopping the Petitioner from entering into the registered office premises and "St. Peters Engineering College" located at Kompally, Medchal of Respondent no.1 Society.
  - vi. To grant a relief of Permanent injunction thereby restraining the Respondents 2 to 13 from in any way accepting, honouring, permitting and allowing any kind of interference in the matters of pertaining to the admission, appointments and administration of educational institution named as "St. Peters Engineering College" located at Kompally, Medchal of Respondent no.1 Society.
  - vii. By awarding the costs of the proceedings and other incidental expenses / charges etc., incurred to by the Petitioner ; and
  - viii. To grant any such relief(s) as deemed fit and proper in the circumstances of the case and to which the Petitioner is legally entitled to, in the interest of justice.

4. The Suit was registered and notices were issued to the respondents. The respondents herein entered appearance before the Court below and filed a petition under Order VII Rule 11 read with Section 151 of the CPC *vide* I.A.No.1676 of 2023 seeking for

rejection of plaint on 09.08.2023. The matter was heard at length on 03.10.2023 and the matter was reserved for passing orders in the said I.A. The Court below posted the matter on 17.10.2023, on which date, the Court below had allowed the said I.A. and further ordered for rejection of the O.P. itself i.e. O.P.No.10 of 2023.

5. Immediately, thereafter the petitioner herein moved an application for obtaining the certified copy of the order so as to enable him to challenge the said order. To utter surprise, the petitioner learnt that though the I.A. has been ordered to be allowed and the O.P. as a consequence has been ordered to be rejected, but there was no such order existing on the files of the O.P.No.10 of 2023 or in the Court of the Hon'ble XXVII Additional Chief Judge, City Civil Court at Secunderabad. The petitioner continued to pursue with the copying section of the Court below seeking for certified copy of the order but the petitioner could not get the same. Meanwhile, on 09.10.2023, the Presiding Officer who had heard I.A.No.1676 of 2023 got transferred to Ranga Reddy District. The Officer stood relieved and also joined at the new transferred place. Simultaneously, another Officer took charge. Since the petitioner did not get certified copy, he approached the newly joined Presiding Officer along with an application under Rule 188 of Civil Rules of Practice.

6. The presiding Officer thereafter passed an order on 12.12.2023 directing the administrative Officer and the concerned clerk for providing the certified copy within three (3) days failing which the matter would be reported before the Chief Judge. In spite of the said direction, when the petitioner could not get a favourable decision, the present Civil Revision Petition has been filed on 21.12.2023 seeking for quashment of the oral order dated 17.10.2023 as the physical copy of the order was not in existence as the petitioner was not provided with the copy of the order though more than two (02) months had passed since the order was passed and application for certified copy was applied.

7. It was in this context, when the matter was taken up for admission on 29.12.2023, this Court while hearing the case on admission had made the following observations:

“Today when the matter is taken up for hearing, learned Senior Counsel appearing for the petitioner submits that it appears that the reasoned order in I.A.No.1676 of 2023 is not available on record though there appears to be a docket order of allowing the I.A.No.1676 of 2023 filed under Order VII Rule 11(a) & (d) read with Section 151 of CPC.

Learned Senior Counsel further informs that the presiding Officer who has passed the reasoned order in I.A.No.1676 of 2023 is since been transferred and a new incumbent Officer has taken charge and in spite of best efforts of the new incumbent Officer, the earlier reasoned order dated 17.10.2023 in I.A.No.1676 of 2023 could not be traced.

Let the matter be placed before the Registrar (Vigilance) on the administrative side to look into the aspects and to submit a report by 05.01.2024 and the matter be listed on 05.01.2024.

It has also been informed that there has been similar instances against the very same Officer against the very same Officer and there was yet another Civil Revision Petition which stood allowed by this Court on 10.11.2023 in C.R.P.No.3266 of 2023 which too the Registrar (Vigilance) shall keep in mind.”

8. Today when the matter is taken up for hearing, the report from the Registrar (Vigilance) has been received and in the report of the Registrar (Vigilance) the following observations are made:

“In due compliance with the above said direction, a detailed report has been called for and received from the Chief Judge, City Civil Court, Hyderabad as to the reasons for non-availability of fair copy of order, dated 17-10-2023 passed in IA.No.1676/2023 in OP.No.10/2023 on file of XXVII Additional Chief Judge, City Civil court, Secunderabad.

In turn, the Chief Judge, City Civil Court, Hyderabad after having received remarks of the concerned officer, stated that according to the XXVII Additional Chief Judge, City Civil court, Secunderabad for preparation of fair copy of the above said order, the delay has been occurred at the instance of his predecessor; that at present the original fair order in IA.No.1676/2023, dated 17-10-2023 is available with the record. Further, after receipt of original fair order in IA.No.1676/2023, dated 17-10-2023 from the then Presiding Officer on 22-12-2023 duly signed by the officer, the copy application No.8020/2023 was complied to the copying section, City Civil Court, Secunderabad.”

9. From the aforesaid factual matrix, what is glaringly visible is that in the pending O.P.No.10 of 2023, the respondents have filed I.A.No.1676 of 2023 which was heard on 03.10.2023. The matter was taken up for orders on 17.10.2023. In the docket order it has been shown that I.A.No.1676 of 2023 stands allowed and as a consequence, the O.P. stands rejected. But the copy of the order was not available either on record or with the staff, nor was it

found available in the file of O.P.No.10 of 2023. In spite of best efforts made by the petitioner, the copy could not be obtained. Even an application under Rule 188 of Civil Rules of Practice for providing of the certified copy went in vain. Now after this Court took cognizance of the matter and vigilance report was called for, the, Registrar (Vigilance) in turn having called report from the learned Chief Judge, City Civil Court at Secunderabad, it appears that the Presiding Officer who had then heard the I.A. has now made available an order duly signed by him. Whereas, factually the order was till the Civil Revision Petition was filed in the High Court was not available anywhere, nor with anybody.

**10.** The petitioner was deprived of challenging the said order dated 17.10.2023 in the absence of the certified copy. In the absence of the certified copy, the petitioner was not even aware of the grounds and reasons on which the I.A.No.1676 of 2023 stood allowed.

**11.** It is in this context that this Court is inclined to proceed and consider the peculiar issue which has developed or arisen in the present case to be dealt with and decided without even entering into the merits of the case as is being contended by either side so far as the factual aspects are concerned.

**12.** As regards the matter being heard on 03.10.2023, the Presiding Officer pronouncing the orders on 17.10.2023 allowing the said I.A. and rejecting the O.P. and above all the non-availability of an order dated 17.10.2023 on record are all not in dispute by any of the parties. Another admitted factual position as is apparently clear is though the pronouncement was made on 17.10.2023, the Presiding Officer remained in station till he/she was transferred after about three (3) weeks time on 19.11.2023. In between there was ample opportunity available for the concerned Presiding Officer to have released the order enabling the parties to get the certified copy. It is also an admitted position that even the draft copy of the order was not available either in the file/records nor was it kept in a sealed cover for correction purpose. Neither did any of the staffs including the Private Secretary/Stenographer of the concerned Court had the draft copy of the order dated 17.10.2023 or were aware of any such order having being decided or dictated by the Presiding Officer.

**13.** In the aforesaid factual position what now is to be considered is what best order can be passed to maintain the gravity of the Court as also the purity of the justice delivery system. In this context, it would relevant to take note of some of the decisions rendered by the Hon'ble Supreme Court in this regard.

14. In the case of **Balaji Baliram Mupade Vs. State of Maharashtra**<sup>1</sup>, the Honble Supreme Court highlighted the issue of delayed delivery of reasoned judgments and emphasized the importance of providing detailed reasons along with final orders. The Constitution Bench in **State of Punjab Vs. Jagdev Singh Talwandi**<sup>2</sup> had previously cautioned against the practice of pronouncing final orders without a reasoned judgment, recognizing the challenges it poses for parties seeking redress in higher courts. The Court expressed concerns that such a practice hampers the proper implementation of orders and often leads to stay orders by the higher court until the reasoned judgment is available. The relevant portion of the **Balaji Baliram Mupade** (1 supra) are extracted herein under:

"2. A Constitution Bench of this Court as far back as in the year 1983 in State of Punjab v. Jagdev Singh Talwandi drew the attention of the High Courts to the serious difficulties which were caused on account of a practice which was increasingly being adopted by several High Courts, that of pronouncing the final orders without a reasoned judgment. The relevant paragraph is reproduced as under: (SCC p. 611, para 30)

"30. We would like to take this opportunity to point out that serious difficulties arise on account of the practice increasingly adopted by the High Courts, of pronouncing the final order without a reasoned judgment. It is desirable that the final order which the High Court intends to pass should not be announced until a reasoned judgment is ready for pronouncement.

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<sup>1</sup> (2021) 12 Supreme Court Cases 603

<sup>2</sup> (1984) 1 596 SCC

Suppose, for example, that a final order without a reasoned judgment is announced by the High Court that a house shall be demolished, or that the custody of a child shall be handed over to one parent as against the other, or that a person accused of a serious charge is acquitted, or that a statute is unconstitutional or, as in the instant case, that a detenu be released from detention. If the object of passing such orders is to ensure speedy compliance with them, that object is more often defeated by the aggrieved party filing a special leave petition in this Court against the order passed by the High Court. That places this Court in a predicament because, without the benefit of the reasoning of the High Court, it is difficult for this Court to allow the bare order to be implemented. The result inevitably is that the operation of the order passed by the High Court has to be stayed pending delivery of the reasoned judgment."

**10.** We must note with regret that the counsel extended through various judicial pronouncements including the one referred to aforesaid appear to have been ignored, more importantly where oral orders are pronounced. In case of such orders, it is expected that they are either dictated in the court or at least must follow immediately thereafter, to facilitate any aggrieved party to seek redressal from the higher court. The delay in delivery of judgments has been observed to be a violation of Article 21 of the Constitution of India in Anil Rai case and as stated aforesaid, the problem gets aggravated when the operative portion is made available early and the reasons follow much later.

**12.** The appellant undoubtedly being the aggrieved party and prejudice by the impugned order is unable to avail of the legal remedy of approaching this Court where reasons can be scrutinized. It really amounts to defeating the rights of the appellant to challenge the impugned order on merits and even the succeeding party is unable to obtain the fruits of success of the litigation.

**14.** We have little option in the aforesaid facts of the case but to 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 finally disclosed in respect of the impugned order.

17. Since the matter has to be re-heard, the interim order which was operating in favour of the appellant in terms of the order dated 15-5-2013 of the High Court would continue to ensure for the benefit of the appellant.

15. In the case of **K. MadanMohan Rao Vs. Bheemrao Baswanthrao Patil and Others**<sup>3</sup>, the Hon'ble Supreme Court held as under:

3. In this appeal, essentially the grievance projected before us is that an application under Order VII Rule 11 of the Civil Procedure Code, 1908 ('CPC') moved in the Election Petition filed by the present appellant in the High Court for Telangana at Hyderabad, was taken up for consideration after a considerable delay and, after a prolonged hearing, ultimately, the order was pronounced on 15.06.2022, purportedly allowing the application and rejecting the election petition filed by the present appellant but then, the reasoned order allowing the application is not available as yet.

8. It has been pointed out that, after the said order dated 26.03.2021 and a request having been made to Hon'ble the Chief Justice of the High Court, the matter was placed before another Hon'ble Judge and was proceeded further but then, hearing on the application moved under Order VII Rule 11 CPC itself took a long time with several dates of hearing; the order was reserved on 22.12.2021; the parties filed written submissions in the first week of January, 2022; and then, the matter was listed again on 01.04.2022 and was re-reserved. It is pointed out that ultimately, the order was orally pronounced by the Hon'ble Judge on 15.06.2022 but, that had only been the pronouncement of the result and no reasoned order was supplied to the parties. It has also been submitted that even after more than three months, the reasoned order is still not available to the parties.

9. Dr.Singhvi, learned senior counsel has particularly referred to paragraph 10(v) of decision of this Court in the case of "*Anil Rai v. State of Bihar*" reported in (2001) 7 SCC 318; and paragraphs 30 and 31 of the Constitution Bench decision of this Court in the case of "*State of Punjab v. Jagdev Singh Talwandi*" reported in

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<sup>3</sup> 2022 SCC OnLine SC 1305

(1984) 1 SCC 596 while submitting that in the given set of facts and circumstances, the impugned order deserves to be interfered with for want of reasons.

11. As regards the Constitution Bench decision in *Jagdev Singh Talwandi* (supra), learned senior counsel for the respondents has submitted that the observations therein, essentially relating to the matters concerning violation of fundamental rights or other rights affecting human dignity cannot, as such, be applied to every case or every cause. The emphasis of the learned counsel has been that in any case, no interference at this juncture is called for when the High Court has devoted time in hearing the application and has indeed pronounced the order, even if reasons are awaited.

16. In *Jagdev Singh Talwandi's case* (supra), the Constitution Bench of this Court has observed, while stating its expectation for appropriate compliance in the following

“30. We would like to take this opportunity to point out that serious difficulties arise on account of the practice increasingly adopted by the High Courts, of pronouncing the final order without a reasoned judgment. It is desirable that the final order which the High Court intends to pass should not be announced until a reasoned judgment is ready for pronouncement. Suppose, for example, that a final order without a reasoned judgment is announced by the High Court that a house shall be demolished, or that the custody of a child shall be handed over to one parent as against the other, or that a person accused of a serious charge is acquitted, or that a statute is unconstitutional or, as in the instant case, that a detenu be released from detention. If the object of passing such orders is to ensure speedy compliance with them, that object is more often defeated by the aggrieved party filing a special leave petition in this Court against the order passed by the High Court. That places this Court in a predicament because, without the benefit of the reasoning of the High Court, it is difficult for this Court to allow the bare order to be implemented. The result inevitably is that the operation of the order passed by the High Court has to be stayed pending delivery of the reasoned judgment.”

20. Even if we take into consideration the submissions made on behalf of the respondents about availability of

the remedy of appeal to this Court, in our view, such an appeal, which could be preferred on the question/s of law or fact, would also remain an empty formality for the simple reason that neither determination of question of law nor determination of any question of fact by the High Court for the purpose of dealing with the application under Order VII Rule 11 CPC is available to the parties. Incontinuity to this, we are constrained to observe that a party to the litigation cannot be expected to wait indefinitely for availability of the reasons for the order of the Court. Moreover, when the matter relates to the election petition under the Act of 1951, which itself is a time-sensitive matter, we find no reason that the appellant be relegated to the statutory remedy of appeal under Section 116A of the Act of 1951 in this case.

22. For what has been observed and discussed hereinabove, we are clearly of the view that the order dated 15.06.2022, as said to have been passed by the High Court in disposal of the application under Order VII Rule 11 CPC, deserves to be disapproved only for the reason that even until this date, the reasons for the said order are not available with either of the parties nor are available on the website of the High Court nor the copy of the order has been supplied despite the parties having made the applications seeking certified copy of the order.

16. In the case of **Indrajeet Yadav Vs. Santosh Singh and Another**<sup>4</sup>, the Hon'ble Supreme Court reiterated the importance of promptness in delivering judgments and the need to provide reasons simultaneously with the final order, which again for ready reference is reproduced herein under:

6. In the case of *Balaji Baliram Mupade*(supra) in paragraphs 1 to 4 it is observed and held as under:

"1. Judicial discipline requires promptness in delivery of judgments - an aspect repeatedly emphasized by this Court. The problem is compounded where the result is known but not the reasons. This deprives any aggrieved party of the opportunity to seek further

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<sup>4</sup> 2022 SCC OnLine SC 461

judicial redressal in the next tier of judicial scrutiny. 2. A Constitution Bench of this Court as far back as in the year 1983 in the *State of Punjab v. Jagdev Singh Talwandi*- (1984) 1 SCC 596 drew the attention of the High Courts to the serious difficulties which were caused on account of a practice which was increasingly being adopted by several High Courts, that of pronouncing the final orders 2 without a reasoned judgment. The relevant paragraph is reproduced as under:

“30. We would like to take this opportunity to point out that serious difficulties arise on account of the practice increasingly adopted by the High Courts, of pronouncing the final order without a reasoned judgment. It is desirable that the final order which the High Court intends to pass should not be announced until a reasoned judgment is ready for pronouncement. Suppose, for example, that a final order without a reasoned judgment is announced by the High Court that a house shall be demolished, or that the custody of a child shall be handed over to one parent as against the other, or that a person accused of a serious charge is acquitted, or that a statute is unconstitutional or, as in the instant case, that a detenu be released from detention. If the object of passing such orders is to ensure speedy compliance with them, that object is more often defeated by the aggrieved party filing a special Leave Petition in this Court against the order passed by the High Court. That places this Court in a predicament because, without the benefit of the reasoning of the High Court, it is difficult for this Court to allow the bare order to be implemented. The result inevitably is that the operation of the order passed by the High Court has to be stayed pending delivery of the reasoned judgment.”

7. Despite the strong observations made by this Court as far as back in the year 1984 and thereafter repeatedly reiterated, still the practice of pronouncing only the operative portion of the judgment without a reasoned judgment and to pass a reasoned judgment subsequently has been continued. Such a practice of pronouncing the final orders without a reasoned judgment has to be stopped and discouraged.

9. From the record of proceedings it appears that the reasoned judgment was pronounced and uploaded after

a period of almost five months. Therefore, applying the law laid down by this Court in the decisions referred to hereinabove, we set aside the impugned judgment and order passed by the High Court without further entering into the merits of the case nor expressing anything on merits in favour of either party. We remand the appeals to the High Court to decide the same afresh in accordance with law and on its own merits. We request the High Court to finally decide and dispose of the appeals at the earliest and preferably within a period of six months from the date of the receipt of the present order. However, it is observed that during the pendency of the appeals before the High Court the accused need not surrender and they may be treated to have been released on bail and continued to be released on bail, however subject to the ultimate outcome of the appeals before the High Court. If the conviction is sustained the accused shall surrender within a period of two weeks from the date of the pronouncement of the judgment.”

17. From the judgment pronounced by the Hon'ble Apex Court in the case of **Jagdev Singh Talwandi** (supra), what is culled out is that the Hon'ble Supreme Court had specifically observed and had desired that final orders which the Court intends to pass should not be pronounced until a reasoned judgment is ready. In fact, the Hon'ble Supreme Court depreciated the practice of judicial pronouncement without reasons being disclosed and where only oral orders are pronounced without there being anything in writing available. The concern raised by the Hon'ble Supreme Court was the fact that the aggrieved person is deprived of seeking redressal from the higher courts.

18. It has been brought to our notice that the learned Principal District Judge, i.e., the Chief Judge, City Civil Court, at Hyderabad under whose jurisdiction the Court of the XXVII Additional Chief

Judge, City Civil Court, at Secunderabad comes had issued a memo in this regard after a similar incident was brought to the notice of the learned Principal District Judge. In the said memo, it was specifically directed that all Judicial Officers should ensure that while pronouncing reasoned orders, the orders must be ready and it must also be ready for being sent for certified copy enabling the parties to take appropriate legal recourse thereto. In this case, in spite of the specific memo having been issued of which the learned Presiding Officer, in the instant case, who had considered I.A.No.1676 of 2023 and pronounced an oral order on 17.10.2023, he / she did not think it proper to ensure that the oral order is made after the reasoned order was ready, or at least was ready for being sent to the Section for uploading the same and also for certified copy.

**19.** In the instant case, from the facts narrated in the preceding paragraph it is quite obvious that it was only after this Court had taken cognizance of the instant Civil Revision Petition and when information had gone to the concerned judicial officer that it appears that the concerned Presiding Officer thereafter, so as to give a proper explanation to the Registrar (Vigilance) who was directed to seek instructions, has got the order finalized and has sent to the concerned Court for the same to be sent to the Copying Section. It has also been informed at the Bar that in spite of the

order having been sent by the concerned Presiding Officer on 22.12.2023, the parties does not seem to have got the certified copy till date.

**20.** In the given factual backdrop, particularly taking into consideration the serious observations made by the Hon'ble Supreme Court repeatedly : first in the case of **Jagdev Singh Talwandi** (supra) and thereafter in the case of **Balaji Baliram Mupade** ( supra), and recently again the case of **Indrajeet Yadav** (supra), this Court is inclined to hold that the impugned order dated 17.10.2023 received from the original Presiding Officer only on 22.12.2023, that is much after the said Presiding Officer having transferred and he / she joined the transfer place, is hard to accept and it is also hard to hold the said order sustainable.

**21.** It is also difficult for this Court to accept the said order in the given factual backdrop for yet another reason that, that the order which has been received from the concerned Presiding Officer on 22.12.2033 is not free from many doubts and inferences which crops up in the mind particularly that of the impugned order being one which seems to have been passed anti-dated with a clear intention of somehow try to avoid future complications so far as the Presiding Officer is concerned.

**22.** In view of above, following the dictum of the Hon'ble Supreme Court in the judgments referred to in the preceding

paragraphs, the impugned order dated 17.10.2023 is ordered to be set aside / quashed. The matter stands remitted back to the XXVII Additional Chief Judge, City Civil Court, at Secunderabad for a fresh consideration of I.A.No.1676 of 2023 in O.P.No.10 of 2023.

**23.** Considering the long lapse of time that has transpired in the intervening period after the order dated 17.10.2023 was passed in I.A.No.1676 of 2023 in O.P.No.10 of 2023, it is directed that the concerned XXVII Additional Chief Judge, City Civil Court, at Secunderabad dealing with O.P.No.10 of 2023 shall re-hear the I.A.No.1676 of 2023 in O.P.No.10 of 2023 and conclude the same within an outer limit of fifteen (15) days from 15.02.2024. Both the parties are directed to ensure their presence before the concerned Court on the 15<sup>th</sup> of February, 2024 for re-hearing the matter in I.A.No.1676 of 2023 in O.P.No.10 of 2023.

**24.** Before parting, it is necessary to issue a direction that has been observed by the Hon'ble Supreme Court in the aforesaid judgments, that the Judicial Officers in the State after hearing the I.A. or the main petition itself when he / she fixes the case for pronouncement of order, it is expected that while pronouncing the order the reasoned order would be ready and it shall be promptly sent to the concerned Section for further course of action that of uploading the same and also the file being sent to the Copying

Section enabling the parties to obtain the same to avail the next legal recourse available to either of the parties.

25. With these observations, the Civil Revision Petition stands allowed. No costs.

26. As a sequel, miscellaneous applications pending if any, shall stand closed.

SD/- T.JAYASREE  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Registrar (Judicial – 1), High Court for the State of Telangana at Hyderabad.
2. The Principal District Judge, Adilabad, Adilabad District.
3. The Principal District Judge, Kumuram Bheem Asifabad, Kumuram Bheem Asifabad District.
4. The Principal District Judge, Mancherial, Mancherial District.
5. The Principal District Judge, Nirmal, Nirmal District.
6. The Principal District Judge, Jagtial, Jagtial District.
7. The Principal District Judge, Nizamabad, Nizamabad District.
8. The Principal District Judge, Peddapalli, Peddapalli District.
9. The Principal District Judge, Jaya Shanker Bhupalapally, Jaya Shanker Bhupalapally District.
10. The Principal District Judge, Kamareddy, Kamareddy District.
11. The Principal District Judge, Rajanna Sircilla, Rajanna Sircilla District.
12. The Principal District Judge, Karimnagar, Karimnagar District.
13. The Principal District Judge, Mulugu, Mulugu District.
14. The Principal District Judge, Bhadradi Kothagudem, Bhadradi Kothagudem District.
15. The Principal District Judge, Medak, Medak District.
16. The Principal District Judge, Siddipet, Siddipet District.
17. The Principal District Judge, Hanumakonda, Hanumakonda District.
18. The Principal District Judge, Warangal, Warangal District.
19. The Principal District Judge, Sangareddy, Sangareddy District.
20. The Principal District Judge, Siddipet, Siddipet District.
21. The Principal District Judge, Jangoan, Jangoan District.
22. The Principal District Judge, Mahabubabad, Mahabubabad District.
23. The Principal District Judge, Khammam, Khammam District.
24. The Principal District Judge, Suryapet, Suryapet District.
25. The Principal District Judge, Nalgonda, Nalgonda District.
26. The Principal District Judge, Yadadri Bhuvanagiri, Yadadri Bhuvanagiri District.

27. The Principal District Judge, Medchal Malkajgiri, Medchal Malkajgir District.
28. The Principal District Judge, Ranga Reddy, Ranga Reddy District.
29. The Principal District Judge, Vikarabad, Vikarabad District.
30. The Principal District Judge, Mahaboobnagar, Mahaboobnagar District.
31. The Principal District Judge, Nagarkurnool, Nagarkurnool District.
32. The Principal District Judge, Wanaparthy, Wanaparthy District.
33. The Principal District Judge, Narayanpet, Narayanpet District.
34. The Principal District Judge, Jogulamba Gadwal, Jogulamba Gadwal District.
35. The XXVII Additional Chief Judge, City Civil Court at Secunderabad.
36. The Section Officer, Special Officers Section, High Court for the State of  
Telangana
37. One CC to SRI. PASHAM MOHITH, Advocate [OPUC]
38. One CC to SRI. A VENKATESH, Advocate [OPUC]
39. One CC to SRI. TARUN G. REDDY, Advocate [OPUC]
40. Two CD Copies

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HIGH COURT

DATED: 02/02/2024

ORDER  
CRP.No.3838 of 2023

ALLOWING THE CRP  
WITHOUT COSTS

4/20  
MA  
9/2/24

CR  
Spl. Officer S