

CASE NO.:
Appeal (civil) 1062-1065 of 2007

PETITIONER:
Moses Wilson and Ors.

RESPONDENT:
Kasturiba and Ors.

DATE OF JUDGMENT: 20/09/2007

BENCH:
A.K. Mathur & MARKANDEY Katju

JUDGMENT:
JUDGMENT

ORDER

We have heard learned Counsel for the parties.

We are disposing of all the four appeals by a common order.

These appeals arise out of a suit filed in 1947 and subsequent Proceedings. The suit was for a sum of Rs. 7,000/- and there was an order for attachment before judgment of the dry fish of the defendant. A third party claimed ownership of the dry fish and he applied for release of the attachment order. It is not necessary to give further details of the case because the facts involved are very complicated stretching over 60 years. Therefore, with the consent of learned counsel for the parties we cut short the matter and direct that the entire property which is the subject matter of this litigation may be divided in equal shares between the two parties. Half share should be given to the appellants and the other half should be given to the respondents.

To decide which part should go to the appellants and which part should go to the respondents, as many properties are involved, it is just and proper that this exercise may be done by the District Judge, Kanyakumari at Nagercoil himself or by the Additional District Judge nominated by the District Judge. The District Judge may issue notices to both parties and divide the properties in two equal shares. If any person has any grievance against the order passed by the District Judge (or A.D.J., as the case may be), it will be open for either of the parties to approach this Court for further clarification. The District Judge, Kanyakumari, Nagercoil (or A.D.J. nominated by him) is directed to dispose of the matter preferably within a period of six months.

Let all the records which are available here be transmitted to the District Judge, Kanyakumari, Nagercoil.

The appeals are accordingly disposed of in the above terms.

Before parting with this case, we again express our deep concern at the delay in disposing of cases in our Courts. Recently in Civil Appeal No. 1307 of 2001 titled Rajindra Singh (Dead) thr. Lrs. & Ors. v. Prem Mai & Ors. decided on 23rd August, 2007 we had expressed our deep anguish about this situation, and had observed that because of delay in disposal of cases people in this country are fast losing faith in the judiciary. We saw in the media news of lynching of suspected thieves in Bihar's Vaishali District, the gunning down of an undertrial prisoner outside Patna City Civil Court, and other incidents where people have taken the law into their own hands. This is obviously because many people have started thinking that justice will not be done in the Courts due to the delays in Court proceedings. This is indeed an alarming state of affairs, and we once again

request the concerned authorities to do the needful in the matter urgently before the situation goes totally out of control.

JUDIS