

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 2708/2023

VINIT VILAS VAIDYA

Appellant(s)

VERSUS

MANJIRI VINIT VAIDYA

Respondent(s)

Date : 01-03-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

By Courts Motion

For Appellant(s)

Petitioner-in-person (Not present)

For Respondent(s)

Mr. Varun V. Solshe, Adv.
Mr. Vivek C. Solshe, Adv.
Mr. Anjani Kumar Jha, AOR

UPON hearing the counsel the Court made the following
O R D E R

By the order dated 4th September, 2023, the appeal was disposed of in terms of the Settlement Terms dated 4th September, 2023. A specific direction was issued to the Registry to draw a decree, as can be seen from clause (iv) of paragraph 7 of the said order. We had to call for the report of the Registry, as till 12th February, 2024, the Registry had not drawn the decree.

We must note here that the decree is of divorce under Section 13(B) of the Hindu Marriage Act, 1955 and more than 10 proceedings were disposed of under the said

decree. In a case like this, the parties immediately require a certified copy of the decree. However, the decree was not drawn for a period of more than 5 months.

The Registrar (Judicial Listing) has submitted a report along with the explanation by various staff members. If all the reports are read together, it shows the sorry state of affairs.

Firstly, some one in the Registry has found an excuse for not drawing the decree on the ground that the original settlement terms dated 4th September, 2023 were misplaced. In our said order, all the terms and conditions of the settlement terms have been reproduced in verbatim and in fact, a direction in clause (iv) of paragraph 7 is to draw a decree incorporating paragraphs 1 to 22 of the settlement terms.

We fail to understand how the Registry can refuse to draw the decree on the ground that the original settlement terms were not available. When there is an order of the Court to draw a decree in a particular manner, it was the duty of the Registry to do so. Another excuse was invented that the Court Master had not forwarded the original settlement terms. The report shows that even the said excuse was totally incorrect, as the settlement terms were forwarded by the Court Master which were misplaced due to no fault of the Court Master of this Court.

This Court is passing a large number of orders in exercise of powers under Article 142 of the Constitution of India putting an end to the matrimonial disputes. Invariably, the orders of this Court provide for quashing of various proceedings between the husband and wife and grant of decree of divorce. In such cases, the Registry has to be prompt and has to draw the decree at the earliest. The Registry has to note that unless the decree is made available, the order of this Court is of no use to the parties. All of us who are part of the justice delivery system must remember that we exist for the benefit of the litigants.

The concerned members of the staff have expressed regret and therefore, no action is called for against any of them and the matter may be treated as closed.

However, the concerned Registrar shall ensure that there is no delay in drawing the decrees in terms of the orders of this Court. The Handbook of Practice and Procedure provides for drawing a decree within one week. No further directions are required.

Now, we are informed that the decree in the present case has been drawn. The Registry shall expeditiously provide a certified copy of the decree to the parties.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER