

# **B.L. PAVECHA**

**Senior Advocate**

19/1, South Tukoganj, Indore-1 (M.P.), Tel : (O) (0731) 4066892, (R) 2512307

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To,

03.07.2020

The Hon'ble Chief Justice,  
High Court of Madhya Pradesh,  
Principal Seat at Jabalpur,  
Jabalpur (M.P.)

**REPRESENTATION FOR RESUMPTION OF REGULAR COURT  
WORK IN THE INTEREST OF PUBLIC AT LARGE FOR  
DISPENSATION OF JUSTICE AND TO MAINTAIN THE FAITH OF  
PEOPLE IN JUDICIAL SYSTEM.**

Hon'ble Sir,

Your lordship may be pleased to note that the normal functioning of all the courts in the state including the High Court has come to a grinding halt since 24th March 2020 on account of COVID-19. Only just a few urgent cases are being heard and that too for the grant of interim relief only. The hearing takes place through a mechanism of video conferencing only. Video conferencing has its own limitations and a vast majority of Advocates are unfamiliar with it. It is a very poor substitute for the usual hearing in the open court. In view of these limitations final hearing matters are not being listed or taken up in the High Court as well as in Subordinate Courts.

There is a nationwide realisation that it would not be possible to altogether eliminate COVID-19 in any foreseeable future, and therefore, all of us should learn to live with this endemic taking all necessary

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precautions. In realisation of this hard fact, the whole nation has started a process of unlocking after about a quarter long lockdown. Almost all government and private sector offices have started functioning with 100% attendance. Our Parliament and State legislatures are also going to hold their monsoon sessions as scheduled.

In this scenario all over the country, if the courts do not start their normal functioning (with the same precautions) even after a virtual closure of four months, it would be gravely injurious to the public interest. The magnitude of mounting arrears in the courts, at all levels, is just frightening. Many civil matters are pending in the High Court for more than 20 years and writ petitions, which are taken to be extraordinary and expeditious constitutional remedies, are also pending for more than 10 years. Above all there are many criminal cases pending in the High Court for more than 10 years and in some of them the accused are in jail. Our institution owes a sacred constitutional duty to deliver justice expeditiously and we would not be justified in making the endurance of the people who come to courts limitless and indefinite.

Incidentally we may mention that the present restricted working of the courts for more than three months has resulted in almost total unemployment of the vast majority of advocates, clerks and all others dependent on them. This state of forced misery and penury is unfortunate and unbearable for them.

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At this stage if the courts do not resume normal functioning like the executive and legislature, our institution would be failing in its duty which would be highly detrimental to the respect and faith which it enjoys in the general public.

We, therefore, request your Lordship to take immediate decision for resumption of normal working of the High Court at Indore and may pass necessary directions, instructions and guidelines as early as possible in the interest of the public at large.

With most respectful regards,

Yours Sincerely,

Sd/-

**B.L. Pavecha**

(Sr. Advocate)