



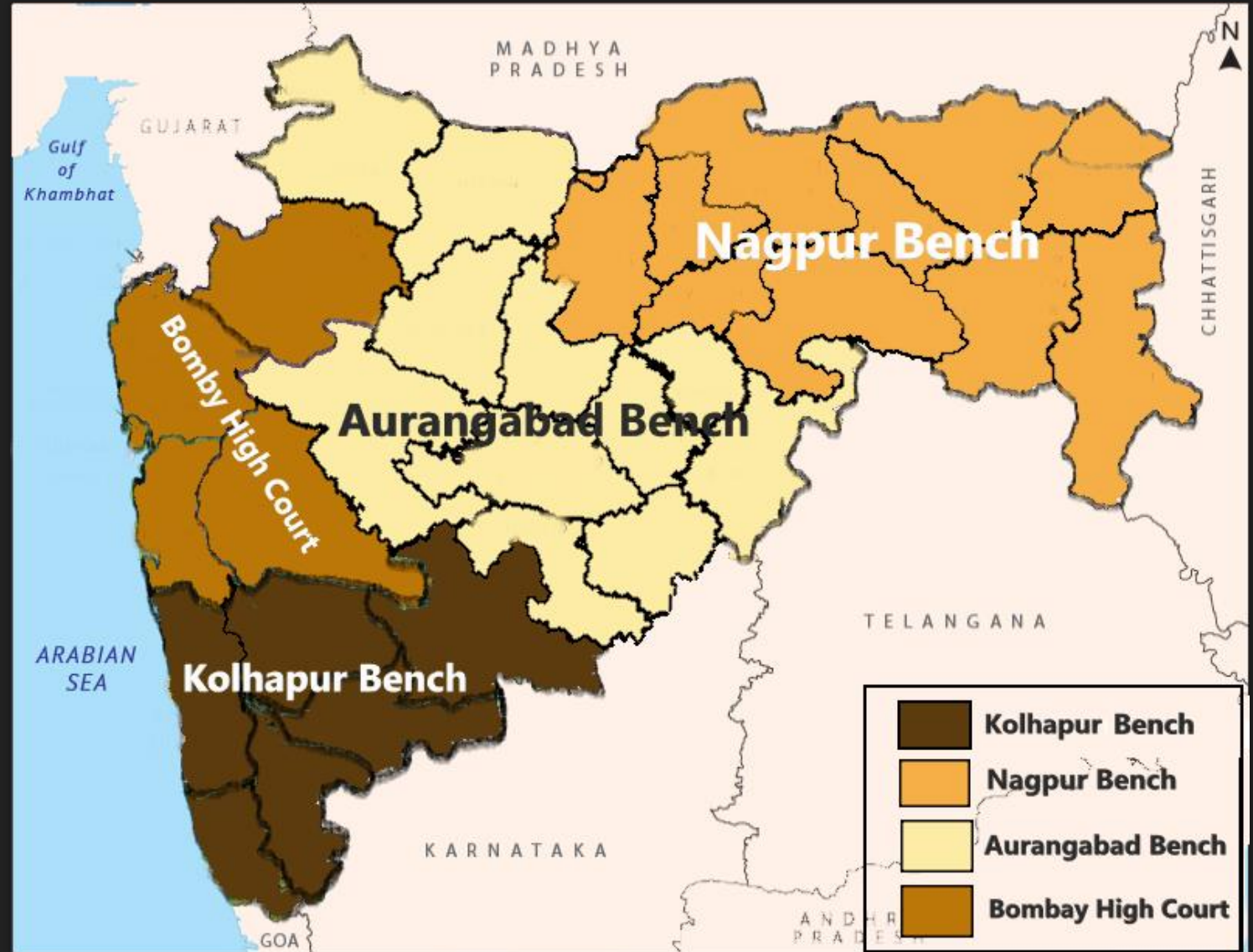
# Establishment of Circuit Bench of Bombay High Court at Kolhapur : Need of the day

“A Presentation by”  
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**GEOGRAPHICAL LOCATION  
OF KOLHAPUR VIS-À-VIS  
SOLAPUR, SATARA, SANGLI,  
RATNAGIRI & SINDHUDURG.**

About 50% of Geographical area covered by the Principal seat at Mumbai would be covered by establishment of Bench of Bombay High Court, at Kolhapur



# Constitutional and Legal Angle

- Preamble – to secure justice social, economic and political
- Art. 21 & 39 A of Constitution of India
- Right to speedy justice
- Access to justice
- Justice on the basis of equal opportunity
- Economic progress and development, is of doing business needs judicial reforms

# Law Commission of India: "Reforms in the Judiciary" Headed by Hon'ble Dr. Justice A.R. Lakshmanan (report No. 230 August 2009 para 1.7)

## Increasing number of judges and creation of new Benches.

- "In almost every High Court, there is huge pendency of cases and the present strength of the Judges can hardly be said to be sufficient to cope with the alarming situation. The Institution of cases is much more than the disposal and it adds to arrears of cases. The litigate citizens have a fundamental right of life i.e. a tension-free life through speedy justice delivery system".
- It is true that the new Benches will require money but it is necessary as a development measure, particularly when efforts are being made for all round development of the country.

# Law Commission of India: "Reforms in the Judiciary" Headed by Hon'ble Dr. Justice A.R. Lakshmanan (report No. 230 August 2009 para 1.7)

## Increasing number of judges and creation of new Benches.

- It is also necessary that, the work of the High Courts is decentralized that is more Benches are established in all States. If there is manifold increase in judges and the staff, all cannot be housed in one campus. Therefore, the establishment of new Benches is necessary. It is also in the interest of litigants. The Benches should be so established that a litigant is not required to travel long.
- We must always keep in mind that existence of judges and Advocates is because of the litigants and they are there to serve their cause only.



# Establishment of Aurangabad Bench

- Initially set-up for 7 Districts.
- The establishment of Aurangabad Bench upheld on merits by Apex Court in the Judgment reported in 1982 (3) SCC 519.
- The Power of Chief Justice of establishment of a Circuit Bench or Benches of High Court is enshrined in Sec. 51 (3) of the State Reorganizations Act, 1956
- The distance from the Districts and Talukas of 6 Districts from the Principal seat at Mumbai ranges from 300 to 500 kms which is more than the Districts for which Aurangabad Bench is established.

# STATISTICS RELATING TO LITIGATION Of 6 Districts

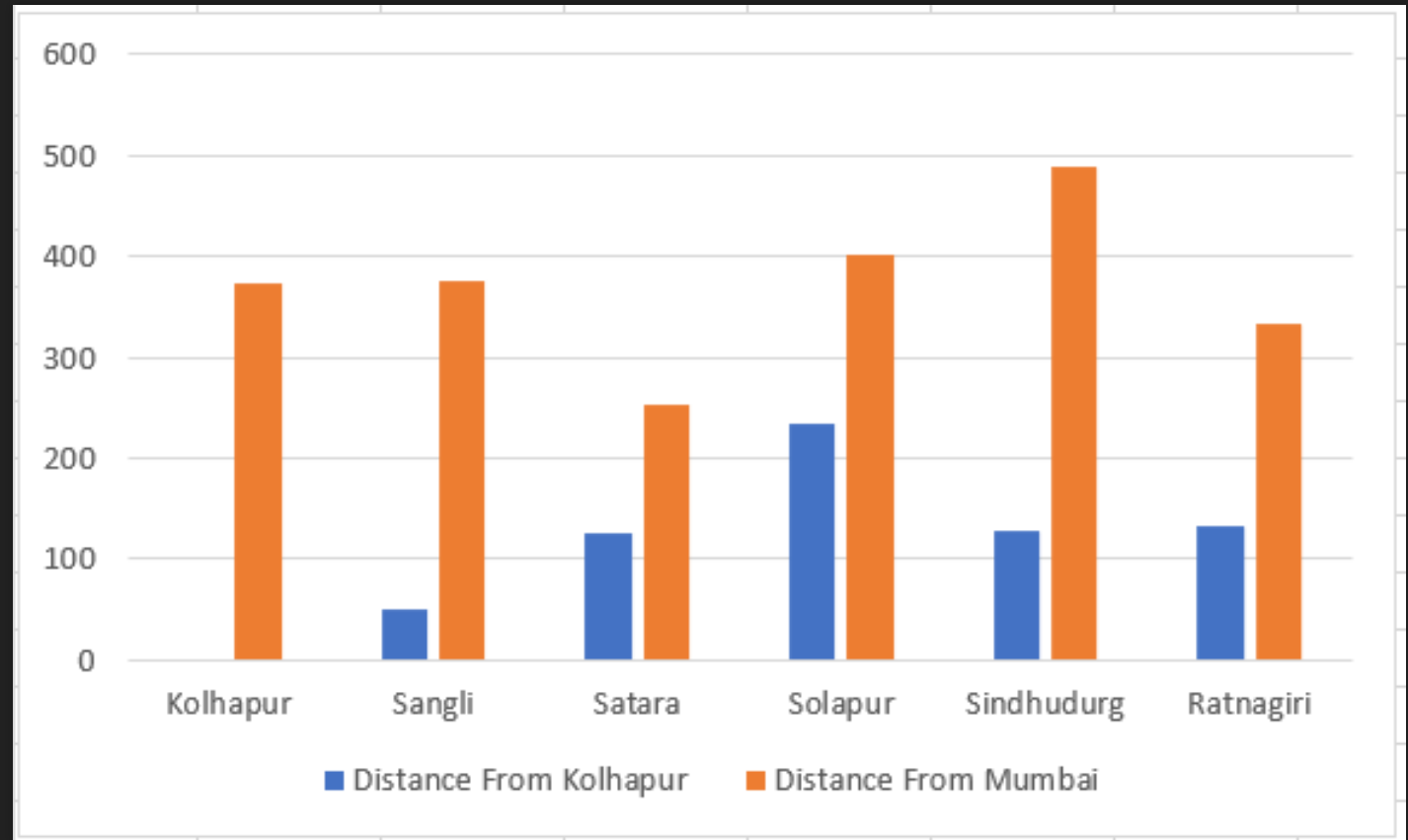
- 25 % of pending litigation at Bombay High Court from 6 Districts.
- 20% litigants are unable to litigate further after District Court and hence are forced to give up their rights at the District level itself.
- 22% yearly filing from 6 Districts at Bombay High Court.
- Necessity to establish the Bench to repose faith of litigants on the Judicial system.
- 2,67,809 Cases are pending at present at Bombay High Court

## Kolhapur Satisfies all the Norms

Central place for 5 Districts.

Distances :

- **Kolhapur to Satara : 121 kms**
  - Kolhapur to Mumbai : 400 kms
- **Kolhapur to Sangli : 46 kms**
  - Sangli to Mumbai : 390 kms
- **Kolhapur to Ratnagiri : 165 kms**
  - Satara to Mumbai : 275 kms
- **Kolhapur to Sindhudurga : 120 kms**
  - Sindhudurga to Mumbai : 490 kms
- **Kolhapur to Solapur ( W ) :- 234 kms**
  - Solapur to Mumbai : 402 kms
  - Ratnagiri to Mumbai – 400 kms





# Kolhapur Satisfies all the Norms

- Cost of stay and litigation in Mumbai vis-a- vis Kolhapur
- To reduce the burden on the Principal Bombay Bench.
- Position of other States – Karnataka, Tamilnadu, West Bengal, U.P.
- Unanimous support of all the Districts bars.
- Opportunity to litigants to personally remain present : Justice not only being done but seen to have been done.
- Lack of space for judges and staff at the Principal seat of Bombay
- 34 years of long pending demand making people impatient
- Era of decentralization all over the world.

**The Maharashtra State Door- Step Justice Program Rules, 1989” : Justice to the doors of the litigants.**

Support and consent of the Cabinet Ministry and the Chief Minister of Maharashtra.

# DHARWAD BENCH OF KARNATAKA HIGH COURT AREA AND POPULATION :-

## 1. DHARWAD BENCH

District	Area in Sq.Mts.	Population
Bagalkot	6,552	18,89,752
Belgaum	13,433	47,79,661
Bellary	8,461	24,52,595
Dharwad	4,260	18,47,023
Haveri	4,823	15,97,668
Koppal	5,570	13,89,920
Uttar Kannada	10,277	14,37,169
<b><u>TOTAL</u></b>	<b><u>53,376</u></b>	<b><u>1,53,93,788</u></b>



# GULBARGA BENCH OF KARNATAKA HIGH COURT AREA AND POPULATION

## 2. GULBARGA BENCH

District	Area in Sq.Mts.	Population
Bidar	5,448	17,03,300
Bijapur	10,498	21,77,331
Gulbarga	10,954	25,66,326
Yadgir	5,270	11,74,271
Raichur	8,442	19,28,812
<b><u>TOTAL</u></b>	<b><u>40,612</u></b>	<b><u>95,50,040</u></b>

# KOLHAPUR BENCH OF BOMBAY HIGH COURT AREA AND POPULATION

## 3. KOLHAPUR BENCH

District	Area in Sq.Mts.	Population
Kolhapur	7,685	38,76,001
Ratnagiri	8,208	16,15,069
Sangli	8,572	28,22,143
Satara	10,480	30,03,741
Sindhudurg	5,207	8,49,651
Solapur	14,895	43,17,756
<b><u>TOTAL</u></b>	<b><u>55,047</u></b>	<b><u>1,64,84,361</u></b>

# Judicial History of Kolhapur

- Kolhapur has a long tradition of Judicial establishments.
- In the year 1937, for the then Deccan States, a Supreme Court was established at Kolhapur



# Alternative : Circuit Bench.



Lord Denning : Packer Vs  
Packer  
Denning LJ in Packer v  
Packer [ 1954] P 15 at 22



“What is the argument on the other side? Only this, that no case has been found in which it has been done before. That argument does not appeal to me in the least. If we never do anything which has not been done before, we shall never get anywhere. The law will stand still whilst the rest of the world goes on: and that will be bad for both...!”



A New Beginning



# Sources

- Area and population taken from [www.census2011.co.in](http://www.census2011.co.in)
- Pending litigation at Bombay high court taken from [www.njdg.com](http://www.njdg.com)

**“THANK YOU”**