2026 INSC 483

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 1276 OF 2026

IN

CIVIL APPEAL NO. 536 OF 2026

FAKIR MAMAD SULEMAN SAMEJA AND ORS.

...APPLICANT(S)

VERSUS

ADANI PORTS AND SPECIAL ECONOMIC ZONES LTD. AND ORS.

...RESPONDENT(S)

O R D E R

J.K. MAHESHWARI, J.

1. The instant miscellaneous application has been filed by the Respondent No. 7 to 10 and 12 to 17 in a disposed of civil appeal. It has been captioned as an 'application seeking clarification in respect of the order dictated on dated 27.01.2026 in open Court and the one uploaded on 12.02.2026 and for necessary correction'. The prayer made in the application is as follows:

> "*In the above circumstances, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:*

a) Allow the present application clarifying that the Order as it was dictated in the open Court on 27.01.2026 is final and binding and the one uploaded on 12.02.2026, does not have any force of law and cannot be acted upon and an order be corrected accordingly;

b) Pass such order or further order (s) as this Hon'ble Court may deem fit in the peculiar facts and circumstances of the case in favour of the Petitioner.'

2. The Civil Appeal No. 536 of 2026 arose out of Special Leave Petition (Civil) No. 14440 of 2024 challenging the interim order dated 05.07.2024 in WPPIL No. 17/2011 passed by the High Court of Gujarat at Ahmedabad (hereinafter referred to as "**High Court**"). By the said interim order, the High Court had directed the State to carry out the process of resumption of land from the Respondents as per the State of Gujarat's resolution dated 04.07.2024. The said resolution was passed by the State without hearing the Respondent, based on the oral instructions of the Court. While issuing notice on 10.07.2024, this Court had stayed the impugned interim order dated 05.07.2024 and noted as follows:

"*1. Mr. Mukul Rohatgi, learned senior counsel for the petitioner makes a categorical statement that the order passed by the authority was without giving an opportunity to the petitioner.*

2. He further states that though the learned counsel for the petitioner was present before the High Court and attempted to make submission, he was not heard by the High Court.

3. In that view of the matter, issue notice, returnable within four weeks.

4. Dasti, in addition, is permitted.

5. In the meantime, the impugned judgment and order passed by the High Court shall remain stayed."

3. The Civil Appeal was disposed of *vide* an order dated 27.01.2026, setting aside the interim order dated 05.07.2024 of the High Court and the resolution dated 04.07.2024, granting liberty to the State Government to pass a fresh order after hearing all parties. It was also directed that the writ petition before the High Court shall be treated to be disposed of and after passing of the fresh order, the parties shall have the liberty to take recourse as permissible under the law, keeping all contentions open to be raised before the State or before the Court.

4. Ms. Kamini Jaiswal, learned counsel appearing for the Applicants claims that there was variance between the dictation given to the Court-master by the Court on 27.01.2026 when the matter was heard (hereinafter referred to as "**dictation**") and the order dated 27.01.2026 which was finally signed and uploaded on 12.02.2026 (hereinafter referred to as "**signed order**"). The Applicants seek a clarification to the effect that the dictation given to the Court-master on 27.01.2026 therefore is what is final and

binding and the signed order dated 27.01.2026 uploaded on 12.02.2026 has no force of law.

5. In order to show such variance, the Applicants have filed various media reports of the proceedings in the disposed of special leave petition on 27.01.2026 and the letter dated 28.01.2026 sent by the Respondent company to the Bombay Stock Exchange and the National Stock Exchange in compliance of Regulation 30(11) of the SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015. The Applicants have also filed a pen drive containing a video recording of the proceedings dated 27.01.2026 which was purportedly uploaded on YouTube (along with a web-link), they have prepared a transcript of the order dictated in Court in the said proceedings and they assert that the said transcript of the dictation is correct and final in the matter.

6. The Applicants would contend that the dictation given in Court on 27.01.2026 is the final pronouncement in the matter and even prior to correction and signing, the transcript of the words uttered during dictation as transcribed by the Applicants from a video of the proceedings uploaded on YouTube shall form the binding order in the matter.

7. The Applicants have made a reference to Article 145(4) of the Constitution of India which provides as follows:

> "*Article 145*
>
> **...**
>
> *(4) No judgement shall be delivered by the Supreme Court save in open Court, and no report shall be made under article 143 save in accordance with an opinion also delivered in open Court.*"

8. Article 145(4) of the Constitution of India is incorporated in Order XII of the Supreme Court Rules, Rule 1 and 3 whereof has been relied upon by the Applicants. They are also relevant, and are therefore reproduced:

> "*1. The Court, after the case has been heard, shall pronounce judgment in open Court, either at once or on some future day, of which due notice shall be given to the parties or their advocates on record, and the decree or order shall be drawn up in accordance herewith.*
>
> **...**
>
> *3. Subject to the provisions contained in Order XLVII of these rules, a judgment pronounced by the Court or by a majority of the Court or by a dissenting Judge in open Court shall not afterwards be altered or added to, save for the purpose of correcting a clerical or arithmetical mistake or an error arising from any accidental slip or omission.*"

9. In reference to the aforesaid rules, it is submitted by the Applicants that once the order had been dictated in open Court, there was no occasion for the Court to alter or modify the order on material aspects. It is submitted that the material changes which have crept into the signed order as opposed to the dictation in

Court were broadly twofold – that the Court in the dictation had directed status quo over the subject land in question and that the Court in the dictation had directed that the High Court shall proceed independently with the writ petition in accordance with law. However, the signed order dated 27.01.2026 does not provide for any status quo with respect to the land in question and also directs that the writ petition, being WP (PIL) No. 17 of 2011 shall be treated to be disposed of.

10. To buttress the arguments made by the Applicants, they have placed reliance on the judgment of this Court in ***Vinod Kumar Singh v. Banaras Hindu University***,[1] where this Court held that as soon as a judgment is pronounced in open Court, it becomes the final operative pronouncement of the Court and the judgment becoming operative does not need to await signing thereof by the Court. In case the Court finds, after pronouncement of the judgment in open Court that there is something in the case which was noticed by the Court at the time of pronouncement, the matter ought to be placed for re-hearing. Relevant portion of the said judgement is quoted herein for reference:

> "...

[1] (1988) 1 SCC 80.

7. *But, while the court has undoubted power to alter or modify a judgment, delivered but not signed, such power should be exercised judicially, sparingly and for adequate reasons. When a judgment is pronounced in open court, parties act on the basis that it is the judgment of the court and that the signing is a formality to follow.*

8. *We have extensively extracted from what Bose, J. spoke in this judgment to impress upon everyone that pronouncement of a judgment in court whether immediately after the hearing or after reserving the same to be delivered later should ordinarily be considered as the final act of the court with reference to the case. Bose, J. emphasised the feature that as soon as the judgment is delivered that becomes the operative pronouncement of the court. That would mean that the judgment to be operative does not await signing thereof by the court. There may be exceptions to the rule, for instance, soon after the judgment is dictated in open court, a feature which had not been placed for consideration of the court is brought to its notice by counsel of any of the parties or the court discovers some new facts from the record. In such a case the court may give direction that the judgment which has just been delivered would not be effective and the case shall be further heard. There may also be cases — though their number would be few and far between — where when the Judgment is placed for signature the court notices a feature which should have been taken into account. In such a situation the matter may be placed for further consideration upon notice to the parties. If the judgment delivered is intended not to be operative, good reasons should be given.*

9. *Ordinarily judgment is not delivered till the hearing is complete by listening to submissions of counsel and perusal of records and a definite view is reached by the court in regard to the conclusion. Once that stage is reached and the court pronounces the judgment, the same should not be reopened unless there be some exceptional circumstance or a review is asked for and is granted. When the judgment is pronounced, parties present in the court know the conclusion in the matter and often on the basis of such pronouncement, they proceed to conduct their affairs. If*

what is pronounced in court is not acted upon, certainly litigants would be prejudiced. Confidence of the litigants in the judicial process would be shaken. A judgment pronounced in open court should be acted upon unless there be some exceptional feature and if there be any such, the same should appear from the record of the case. In the instant matter, we find that there is no material at all to show as to what led the Division Bench which had pronounced the judgment in open court not to authenticate the same by signing it. In such a situation the judgment delivered has to be taken as final and the writ petition should not have been placed for fresh hearing. The subsequent order dismissing the writ petition was not available to be made once it is held that the writ petition stood disposed of by the judgment of the Division Bench on 28-7-1986.

..."

11. The Applicants have also placed reliance on the unreported judgment of this Court in ***U.P. Housing & Development Board & Ors. v. M/s Fast Builders, Lucknow and Anr.***[2]. This Court held that a judgment dictated in Court can be modified or altered until it is signed by the Judge concerned, but if material changes are to be made in the order dictated in open Court, the Court should get the matter listed once again and the Court should tell the parties the reasons for which the matter is required to be reconsidered. Relevant portion of the said judgment is quoted herein for reference:

[2] Judgment dated 10.12.2012 in Civil Appeal No. 9127 of 2012.

> "*It is indeed true that an order dictated in Court can be modified or altered until it is signed by the Judge concerned. But, such an occasion should arise very rarely and if the Judge wishes to make any material changes in the order dictated in open court, then the least that is expected is that he should get the matter once again listed in Court and clearly tell the parties the reasons for which he wishes to reconsider the matter, to hear the parties in the case again and then pass the final order that may be at variance with the earlier order dictated in Court.*
>
> *In case an order dictated in open court is later changed behind the back of the parties, it is bound to give rise to unhealthy suspicion and doubts in the mind of the litigant adversely affected by the changes introduced in the order and this would create very wrong impression in regard to the functioning of the Court. This should never happen."*

12. Learned Senior Counsel, Mr. Mukul Rohatgi appearing for the Respondent has placed reliance of the judgment of three judges of this Court in ***Kushalbhai Ratanbhai Rohit v. State of Gujarat***,[3] where it was held in the context of Section 362 of the Criminal Procedure Code, 1971 (hereinafter referred to as "**CrPC**") that until the judgment of the Court is signed and sealed after it has been delivered in Court, it is not a judgment and it can be changed or altered at any time prior to such signature. Relevant portion of the said judgment is quoted as under:

> "***7.*** *We do not find any forcible submission advanced on behalf of the petitioners that once the order had been dictated in open court, the order to review or recall is not permissible in view of the provisions of Section 362 CrPC for*

[3] (2014) 9 SCC 124.

the simple reason that Section 362 CrPC puts an embargo to call, recall or review any judgment or order passed in criminal case once it has been pronounced and signed. In the instant case, admittedly, the order was dictated in the court, but had not been signed.

...

11. *This Court has also dealt with the issue in Surendra Singh v. State of U.P. [Surendra Singh v. State of U.P., (1953) 2 SCC 468 : AIR 1954 SC 194 : 1954 Cri LJ 475] , observing as under : (AIR pp. 196-97, para 12)*

"12. Now up to the moment the judgment is delivered Judges have the right to change their mind. There is a sort of 'locus paenitentiae' and indeed last minute alterations often do occur. Therefore, however much a draft judgment may have been signed beforehand, it is nothing but a draft till formally delivered as the judgment of the Court. Only then does it crystallise into a full-fledged judgment and become operative. It follows that the Judge who 'delivers' the judgment, or causes it to be delivered by a Brother Judge, must be in existence as a member of the Court at the moment of delivery so that he can, if necessary, stop delivery and say that he has changed his mind. There is no need for him to be physically present in court but he must be in existence as a member of the Court and be in a position to stop delivery and effect an alteration should there be any last minute change of mind on his part. If he hands in a draft and signs it and indicates that he intends that to be the final expository of his views it can be assumed that those are still his views at the moment of delivery if he is alive and in a position to change his mind but takes no steps to arrest delivery.

But one cannot assume that he would not have changed his mind if he is no longer in a position to do so. A Judge's responsibility is heavy and when a man's life and liberty hang upon his decision nothing can be left to chance or doubt or conjecture; also, a question of public policy is involved. As we have indicated, it is frequently the practice to send a draft, sometimes a signed draft, to a Brother Judge who also heard the case. This may be merely for his information, or for consideration and criticism. The mere signing of the draft does not

necessarily indicate a closed mind. We feel it would be against public policy to leave the door open for an investigation whether a draft sent by a Judge was intended to embody his final and unalterable opinion or was only intended to be a tentative draft sent with an unwritten understanding that he is free to change his mind should fresh light dawn upon him before the delivery of judgment."

12. *Thus, from the above, it is evident that a Judge's responsibility is very heavy, particularly, in a case where a man's life and liberty hang upon his decision nothing can be left to chance or doubt or conjecture. Therefore, one cannot assume, that the Judge would not have changed his mind before the judgment became final.*

13. *In Iqbal Ismail Sodawala v. State of Maharashtra [(1975) 3 SCC 140 : 1974 SCC (Cri) 764 : AIR 1974 SC 1880] , the judgment in Surendra Singh [Surendra Singh v. State of U.P., (1953) 2 SCC 468 : AIR 1954 SC 194 : 1954 Cri LJ 475] referred to hereinabove was considered in this case. In that case, criminal appeal was heard by the Division Bench of the High Court, the judgment was signed by both of them but it was delivered in court by one of them after the death of the other. It was held that there was no valid judgment and the case should be reheard. This Court took the view that the judgment is the final decision of the court intimated to the parties and the world at large."*

13. Further, the learned senior counsel for the Respondent has submitted that the instant miscellaneous application warrants dismissal at the threshold, since it is not at all maintainable. He has filed a compilation of judgments and orders: ***Supertech Ltd. v. Emerald Court Owner Resident Welfare Assn.***,[4] ***Ghanashyam Mishra & Sons (P) Ltd. v. Edelweiss Asset***

[4] (2023) 10 SCC 817.

Reconstruction Co. Ltd.,[5] ***Jaipur Vidyut Vitran Nigam Ltd. & Ors. v. Adani Power Rajasthan Ltd. and Anr.***,[6] ***Ajay Kumar Jain v. State of Uttar Pradesh & Anr.***,[7] to submit that this Court has on multiple occasions deprecated the practice of filing miscellaneous application in disposed of matters unless there is an clerical or arithmetic error in the order, or unless the nature of the order itself is executory and it has become impossible to implement due to subsequent events or developments.

14. He has further argued that the aforementioned pronouncements of this Court have resulted in the issuance of the Circular F. No. 01/Judl./2025 dated 03.01.2025 by the Registrar (Judl. Admn.) and Registrar (Judl. Listing) (hereinafter referred to as "**Circular dated 03.01.2025**") where it was directed that any party filing a miscellaneous application in a disposed of matter may be required to specifically aver on oath that the filing of the miscellaneous application has been necessitated as the order passed in the main proceeding being executory in nature and have become impossible to be implemented because of subsequent

[5] 2022 SCC OnLine SC 2241.
[6] 2024 SCC OnLine SC 313.
[7] M.A. Diary No. 39665 of 2024 in M.A. Diary No. 14381/2024 in M.A. No. 714 of 2022 in W.P.(C) 429 of 2020.

events or developments and to make such a declaration on solemn affirmation.

ANALYSIS

15. We have heard learned senior counsel for the parties and perused the record. It goes without saying that in these proceedings, the Court is not called upon to justify its order, neither is the order itself under challenge. This Court is not sitting in review over its order and it will suffice to say that the digitally signed order dated 27.01.2026 which was uploaded on 12.02.2026 remains the only final order passed by the Court in this case. As such, in these proceedings, the Court is not going to examine the validity of the signed order dated 27.01.2026.

16. At the outset, the present miscellaneous application is not maintainable in law. It is in the nature of a review petition, seeking to rewrite the order of the Court. The prayer made in the miscellaneous application is to declare the dictation given in Court to the Court-master to be final and binding and the signed order to be declared as not having any force of law. Such a prayer in the first place is thoroughly misconceived. This Court, recently in ***Ajay***

Kumar Jain (Supra) has relied upon a similar observation in ***Jaipur Vidyut Vitran Nigam Ltd.*** (Supra) and held as follows:

> "*17. Thus, this Court made it abundantly clear that a miscellaneous application filed in a disposed of proceedings would be maintainable only for the purpose of correcting any clerical or arithmetical error. The Court further clarified that a post disposal application for modification or clarification of the order would lie only in rare cases where the order passed by this Court is executory in nature and the directions of the Court may have become impossible to be implemented because of subsequent events or developments.*
>
> *18. The Registry shall not circulate any miscellaneous application filed in a disposed of proceedings unless and until there is a specific averment on oath that the filing of the miscellaneous application has been necessitated as the order passed in the main proceeding being executory in nature and have become impossible to be implemented because of subsequent events or developments.*
>
> *19. The Registry shall insist from every applicant who intends to file any miscellaneous application in a disposed of proceedings for such a declaration as above on solemn affirmation.*"

17. Pursuant to the judgment in ***Ajay Kumar Jain*** (Supra), the Registry of this Court has issued Circular F. No. 01/Judl./2025 dated 03.01.2025 which requires that in case a miscellaneous application is filed in a disposed of proceedings, there must be a specific averment on oath that the filing of the miscellaneous application is necessary since the order is executory in nature and it has become impossible to implement due to subsequent events.

Even otherwise, such an application can be filed by a party to point out to the Court any arithmetic or clerical mistake which may have crept into the order.

18. On perusal of the original file of the miscellaneous application filed before this Court, it appears that the Applicants have not filed an affidavit to meet the requirement as laid down in ***Ajay Kumar Jain*** (Supra) and the Circular dated 03.01.2025. In any case, we do not see how such an affidavit could have been filed in the first place, since the prayer made in this miscellaneous application is not for correction of a clerical or arithmetic error, nor does it appear that the directions pursuant to the order have become impossible due to subsequent events. In ideal circumstances, the Registry of this Court should have raised a defect about non-compliance of the Circular dated 03.01.2025. The Registrar concerned shall submit an explanation in chambers in this regard within one week from the date of this order, as to how the instant miscellaneous application was permitted to be listed without compliance of the above.

19. The Applicants herein are not merely seeking correction of any clerical error or arithmetical correction in the signed order, but

rather, they claim that the signed order 'does not have any force of law'. Such a prayer is *prima facie* erroneous and after the closing of proceedings in the matter, making such a prayer by filing of a miscellaneous application is completely misplaced, it is a gross abuse of process of law and cannot be permitted. Further, it has been pleaded in the miscellaneous application at paragraph 11 that the '*error appears to have crept due to inadvertence, as the law does not permit the order to be changed on material aspect, after it has been dictated / pronounced in open Court*'. A distinction must be made between an error which may have crept into an order by inadvertence and an error in application of the law itself, making the order have no 'force of law'. Here, the Applicants appear to be contending the latter, in the garb of the former. The pleadings in the miscellaneous application, in our view, are nothing but a misconceived attempt to undermine the dignity of the Court and browbeat its authority. Therefore, even though the application itself is not maintainable in law, it is pertinent to make some observations about the arguments which have been advanced.

20. Much reliance has been placed on the judgment of this Court in ***Vinod Kumar Singh*** (Supra), relevant paragraph whereof has been quoted in paragraph 9 of the present judgment. The factual

situation in that case was such that the Appellant in that case had filed a writ petition before the Allahabad High Court seeking admission in the Banaras Hindu University applying some additional weightage. The matter which was heard by a division bench of the said Court on 28.07.1986, and upon conclusion of hearing, the judgment was pronounced in open Court allowing the writ petition and directing the University to admit the petitioner in the said course. The judgment, however, was not signed by the learned judges and the petition was again listed in the hearing list from September 1986 till 05.02.1987 when the same division bench which had earlier disposed of the matter had directed the matter to be taken up by another division bench. Upon subsequent hearing, the writ petition was dismissed by the other division bench on 23.03.1987. It was in those facts and circumstances that this Court found that the judgment dictated in open Court on 28.07.1986 was the judgment of the Court and it did not need to await its signing by the learned judges for it to become a judgment in the eyes of law. As such, the subsequent judgment of a different division bench dismissing the petition on 23.03.1987 could not be a judgment in the matter once the judgment dated 28.07.1986 had been dictated in open Court.

21. Further, reliance has been placed on the judgment in ***U.P. Housing*** (Supra) where the factual situation was such that the writ petition filed by the Respondent in that case had been disposed of by the division bench of the Allahabad High Court, Lucknow Bench on 06.10.2010. The same order was uploaded online on the website and a certified copy thereof was obtained by the Appellant in that case. Thereafter, on 24.02.2011, the Respondent in that case submitted a modified copy of the order dated 06.10.2010 to the Appellant's office. Upon seeking a report from the Registrar General of the High Court, it was clarified that the order submitted by the Respondent (which was modified) was actually the order of the Court on record. It was in that context that this Court acknowledged that a judgment dictated in open Court can be modified or altered until it is signed by the Judge, but such occasion should arise very rarely and if material changes are to be made in the order, the parties to the case must be heard again prior to passing the order which is materially changed. Further, this Court observed in that judgment that if an order dictated in open Court is changed behind the back of the parties, it may give rise to unhealthy suspicion and doubts in the mind of the litigant who is adversely affected by the changes introduced in the order

and it would create a wrong impression about the functioning of the Court.

22. On facts, the judgment of ***Vinod Kumar Singh*** (Supra) does not apply to the instant case. The instant disposed of appeal has not been listed for re-hearing after the signed order was uploaded, nor is any other bench seized of the matter which has been disposed of and also, this is not a situation where there are two orders of the Court in the matter. For the same reason, the situation which arose in ***UP Housing*** (Supra) was also quite different, where also, two orders were signed and uploaded and the first order was obtained by one of the parties. Certainly, once a Court has taken a view about the outcome of the case listed before it on merits, it cannot be materially changed without hearing the parties. This proposition of law which can be derived from the two above-mentioned judgments, cannot be put to question.

23. In the present application, the Applicants would urge that closing the Writ Petition before the High Court amounts to a material change from the dictation given in Court. Even from the YouTube video and the transcript thereof containing the dictation given by the Court, the High Court was given liberty to proceed in

the matter in accordance with law 'after passing the order by the State Government'. Such a direction was included in terms of the suggestion made by the counsel for the Respondent in the main appeal (Applicants herein) after the dictation of the order was concluded. After correction, the signed order reflects that the Writ Petition (PIL) No. 17 of 2011 was to be treated as disposed of and after passing the order afresh by the State Government, parties were given the liberty to take recourse as permissible under the law, keeping all contentions open for the parties to raise before the State Government or the Court in appropriate proceedings. This, in our opinion, is not a material change, it is a correction and refinement of the dictation. Although we are not called upon to explain the intent behind our order, but there is no material change which has crept into the signed order which would warrant a re-hearing in terms of the judgments cited by the Applicants, which in the first place are distinguishable on facts. The writ petition before the High Court had been pending for long and it had culminated in the resolution dated 04.07.2024 which was passed without hearing the Respondent, on the oral directions of the Court. Upon passing of a fresh order by the State Government, it was envisaged by this Court that fresh proceedings may be

drawn reserving all rights and contentions of the parties. In any case, all contentions of the parties have been kept open and all requisite liberty has been granted to the parties to take recourse as permissible under the law.

24. Further, it is vehemently urged by the learned counsel appearing for the Applicants that the Court in its dictation had directed that *status quo* as it exists today shall be maintained but no such direction to maintain *status quo* is reflected in the signed order. In this regard, at the very outset, prior to dictation being given to the Court-master on 27.01.2026, on a request being made by the counsel appearing for the Respondents (Applicants herein) for *status quo*, it was clarified by the Court that whatever order has been passed by this Court, shall continue. Even during dictation, the Court first dictated 'stay of the impugned order', since that was the stay order passed by this Court while issuing notice on 10.07.2024, but later it was uttered '*status quo* as it exists today shall be maintained'. Grant of status quo or non-grant thereof is an ancillary direction and it cannot be said to be a material change in the draft order which could not have been made prior to signing of the order without re-hearing. In the main appeal, what was under challenge was an interim order to implement a resolution

for resumption of land which was passed without hearing the Respondent. The fact that the resolution was passed without giving due hearing to the Respondent, merely on the oral directions of the High Court was admitted by the State before this Court. In such circumstances, the decision of the State to resume the said land was bad in law from its very inception and therefore, it was directed that a fresh decision be taken by the State in the matter.

25. The civil appeal which was disposed of by the signed order, did not arise out of a civil suit or arbitration proceedings where parties are in dispute with respect to title over a piece of land and where preservation of the subject matter of dispute is material. Although several prayers have been made in the writ petition, the subject matter of the writ petition before the High Court, as reflected from the High Court's order dated 24.09.2014 originally disposing of the writ petition, and the order dated 19.04.2024 post-restoration, was in a narrow compass for replenishing 'gauchar land' in the village Navinal in terms of prayer clause (b) of the Writ Petition. Under the said prayer, replenishment of gauchar land was prayed to be done out of the land allocated to the Respondent in 2005 or by providing sufficient alternative land. As such, the manner of replenishment of gauchar land was never decided and

even in the prayer, it is mentioned that such replenishment can be done by resumption of the land allocated or by providing sufficient alternative land. In such circumstances, there was no occasion for this Court to grant an order of *status quo* over the land resumed by the State without hearing the Respondent. Although the learned counsel for the Applicants have not shown us any order of maintaining *status quo* passed by the High Court, we have gone through the orders of the High Court in the writ petition. It appears that at no point of time, during the proceedings before the High Court or before this Court, any direction of maintaining *status quo* has been passed. When the order directing resumption of the land in question was found to be illegal due to want of hearing, on the admission of the State, there was no occasion for this Court to direct maintenance of *status quo* over the land since it would be an unreasonable restraint over the rights of the Respondent in respect of the land which was resumed. Whether the replenishment of gauchar land has to be done out of the land allocated to the Respondent or by providing alternative land is a matter for the State to decide. Order XII Rule 3 of the Supreme Court Rules quoted in paragraph 8 above permits correction of errors arising from accidental slip or omission. Even if it is

assumed that the dictation of the draft order to the Court-master is sufficient for the purpose of 'pronouncement' of the judgment, grant of *status quo* over the land in question would be an error in law and correction of the dictation by the Court in chambers, prior to signing, cannot be said to be a material change which required further hearing.

26. In view of the aforesaid, there is no material change which has crept into the signed order. Differences between the dictation and the signed order are a result of correction and enhancement of the dictated draft order. The Respondent has placed reliance on the judgment of this Court in ***Kushalbhai Ratanbhai Rohit*** (Supra) which although in the context of Section 362 of the CrPC, does recognize that a judge may change their mind prior to signing of the dictated order.

27. Another aspect of the matter is the question of practice and practicality of making corrections in the draft prior to signing, without making any material changes. The dictation given to the Court-master on 27.01.2026 was a rough draft at best, since there were multiple interruptions and corrections made in the dictation itself. It was subject to correction and further enhancement in

chambers. The Applicants have placed reliance on a YouTube video, which itself does not appear to be complete and it cuts out while the Court is giving further directions to the Court-master in respect of the dictation given. There is a distinction which must necessarily be drawn between dictation of a draft order to the Court-master and pronouncement of judgment in the matter. Dictation given to the Court-master must be subject to correction and enhancement by the Court in chambers. The intent behind dictating a draft to the Court-master is to put the facts on record and lay down the skeletal framework for the order, which may help the judge recall the matter when the corrections and enhancement in the order is made at a later stage. For all practical purposes, the practice of dictating a skeletal draft order and enhancing it in chambers with corrections and reasoning, prior to signing, which is quite prevalent in this Court, has its own benefit in saving the time of the Court, especially when the Court has a heavy docket of 71 matters listed on a miscellaneous day, which was the situation on 27.01.2026. The practicalities of being a judge in India, with docket explosion were noticed by a coordinate bench of this Court in its recent judgment of ***Ratilal Jhaverbhai Parmar and Ors.***

v. State of Gujarat and Ors.[8] where the judgment of ***Vinod Kumar Singh*** (Supra) was distinguished.

> "***19.*** *The situation presents us with an opportunity where we feel it expedient to share our thoughts only for the purpose of future guidance to overcome adversity. Having regard to the demands of changing times, one of the significant aspects of judging that has been at the forefront of discussion in many a conference/conclave or legal circle is the need for prompt 'pronouncement of judgments'. Order XX of the Civil Procedure Code, 1908 ordains that a judgment can be pronounced, in an open court, either at once or as soon thereafter as may be practicable on a future day. Guided by the principles enshrined in Order XX, number of learned Judges scrupulously follow the same.* ***Learned Judges do come across cases requiring short orders which, in their assessment, may not consume more than 15/20 minutes. These orders are generally dictated in open court immediately after a hearing is over.*** *On the other hand, if in any given case the judgment could justifiably be reserved after hearing of extensive arguments, it would not be proper to criticize a learned Judge if he dictates the judgment in open court notwithstanding the length of time to be taken therefor. As per the ordainment of Order XX, the learned Judge would be perfectly justified in doing so. In such cases, it could roughly take any time between 20 minutes to a couple of/few hours or even more spilling over to the next day (in rare cases) to accomplish the task. This approach could result in the board (if it is heavy) getting choked and the remaining cases on the board having slim chances of being considered. As the saying goes, necessity is the mother of invention.* ***The necessity to strike a balance, in turn, has led to an innovative approach (many a times followed even by this Court) which, though not strictly in tune with Order XX, has transitioned into a regular practice by passage of time.*** *This contemplates a rough assessment made by a learned Judge of the time to be taken for dictating a judgment after hearing in a matter is*

[8] 2024 SCC OnLine SC 2985.

concluded and if, in such assessment, it is likely to take more than 20/25 minutes, the learned Judge proceeds to pronounce the operative part together with the outcome while expressing "reasons to/would follow" and then concludes the exercise of pronouncing the final judgment by providing the reasons as soon as possible thereafter. ***Having regard to the exploding docket of a majority of the high courts, learned Judges consider it wise and prudent to make optimum use of judicial time by not dictating lengthy judgments in court. This practice, no doubt, seeks to serve a salutary purpose. People unversed with the functioning of the judicial system are perhaps unaware as to how development of this practice has contributed to saving of precious judicial time, which the learned Judges invariably devote and utilize for hearing more cases that are on board in the anxiety to consider and decide as many cases as are possible during the scheduled working orders. Burdened though with immense pressure of work and brushing aside fatigue, which is quite likely to develop, the learned Judges after retiring for the day dictate the judgment in their court chambers or in their residential offices either on the same day or within a few days thereafter. The hearing having concluded not too long back, the arguments remain fresh in the mind of the learned Judges and it becomes all the more easy to dictate the judgment.*** *While this approach without a doubt has its own benefits, recent happenings leave us to lament that reasons for the conclusion reached are being placed in the public domain much too late, as in the case of Balaji Baliram Mupade (supra) as well as this case. In an attempt to save time to attend to as many cases as possible, certain learned Judges unwittingly are contributing to justice being delayed in given cases which, concomitantly, have been giving rise to criticism of unpleasant flavours. Critics of such practice (to pronounce the operative part with the outcome and to provide the reasons later in detailed final judgments) could and do legitimately argue in favour of reserving judgments as required by the procedural laws if the particular case so demands but as Judges, we know, reserving too many judgments has its own pitfalls. Once the files pile up, it becomes increasingly difficult to remember the minute*

details of the case and the arguments advanced by the parties in support of their respective cases which leads to a shift to rely on the written notes of arguments. However, if only written notes were enough, there would be no need of oral hearing in court. Additionally, drawing from our experience on the bench, we can safely say that inclination of learned Judges to reserve judgments is invariably the course adopted where cases involving complex and intricate points of law do call upon learned Judges to craft well-researched and well-reasoned judgments. That apart, there are cases arising from recent enactments involving questions of law not having arisen hitherto and consequently such questions have never been answered. Such categories of cases demand the high courts to lay down the law in clear terms for comprehension of all concerned. Obviously, this process is time consuming and the time limit for delivering judgments by the high courts as laid down in Anil Rai v. State of Bihar, at times, is breached. We have full trust and confidence in the learned Judges of the high courts since they are well-equipped to tackle any kind of pressure situation. ***However, while it would be prudent to leave it to the learned Judges to pick any one of the three options [(i) dictation of the judgment in open court, (ii) reserving the judgment and pronouncing it on a future day, or (iii) pronouncing the operative part and the outcome, i.e., "dismissed" or "allowed" or "disposed of", while simultaneously expressing that reasons would follow in a detailed final judgment supporting such outcome], it would be in the interest of justice if any learned Judge, who prefers the third option (supra), makes the reasons available in the public domain, preferably within 2 (two) days thereof but, in any case, not beyond 5 (five) days to eliminate any kind of suspicion in the mind of the party losing the legal battle.*** *If the pressure of work is such that in the assessment of the learned Judge the reasons in support of the final judgment cannot be made available, without fail, in 5 (five) days, it would be a better option to reserve the judgment. Also, if the ultimate order would have the effect of changing the status of the parties or the subject matter of the lis, it would always be advisable to stick to the course envisaged in Order XX. Since, the fraternity of learned Judges of all the courts are interested*

to preserve the dignity of the respective judicial institutions with which they are associated, all learned Judges must be mindful of the impact of their actions on the society at large. Dealing with lakhs of litigation is no mean task, but at the same time we must realize that instances do emerge leaving absolutely no margin for error. It is our duty as Judges to stand tall and rise to the challenge."

28. The Court in the aforementioned judgment recognized that in cases which require short orders to be passed, orders are dictated after hearing, in Court itself. If a detailed order is to be passed, it might have the effect of clogging the day's court docket and in such cases normally the orders are reserved or operative portion of the order is dictated while observing that detailed reasons are to follow. We are of the view that the draft order dictated in Court has to be subject to corrections and enhancement, removal of any accidental inclusions or exclusions due to inadvertence, prior to signing, if not anything else, but out of practical requirements. Subject, of course, to further hearing, in case material changes are being made in the draft order. Such an interpretation is also borne out from Order XII Rule 3 of the Supreme Court Rules discussed above, even if it is assumed that such dictation were to be tantamount to 'pronouncement'. The distinction between a draft and the judgment of the Court was clarified by Vivian Bose, J in

the judgment of ***Surendra Singh v. State of U.P.***,[9] which in fact was the basis of this Court's judgment in ***Vinod Kumar Singh*** (Supra). He observed as follows:

> "***10.*** *In our opinion, a judgment within the meaning of these sections is the* ***final decision*** *of the court intimated to the parties and to the world at large by* ***formal "pronouncement" or "delivery" in open court***. ***It is a judicial act which must be performed in a judicial way. Small irregularities in the manner of pronouncement or the mode of delivery do not matter but the substance of the thing must be there : that can neither be blurred nor left to inference and conjecture nor can it be vague.*** *All the rest—the manner in which it is to be recorded, the way in which it is to be authenticated, the signing and the sealing, all the rules designed to secure certainty about its content and matter—can be cured; but not the hard core, namely, the formal intimation of the decision and its contents formally declared in a judicial way in open court. The exact way in which this is done does not matter. In some courts the judgment is delivered orally or read out, in some only the operative portion is pronounced, in some the judgment is merely signed after giving notice to the parties and laying the draft on the table for a given number of days for inspection.*
>
> ***11.*** *An important point therefore arises. It is evident that the decision which is so pronounced or intimated must be a declaration of the mind of the court as it is at the time of pronouncement. We lay no stress on the mode or manner of delivery, as that is not of the essence, except to say that it must be done in a judicial way in open court.* ***But however it is done it must be an expression of the mind of the court at the time of delivery.*** *We say this because that is the first judicial act touching the judgment which the court performs after the hearing. Everything else uptil then is done out of court and is not intended to be the operative act*

[9] (1953) 2 SCC 468.

which sets all the consequences which follow on the judgment in motion. ***Judges may, and often do, discuss the matter among themselves and reach a tentative conclusion. That is not their judgment. They may write and exchange drafts. Those are not the judgments either, however heavily and often they may have been signed. The final operative act is that which is formally declared in open court with the intention of making it the operative decision of the court. That is what constitutes the "judgment"****.*

12. Now up to the moment the judgment is delivered, the Judges have the right to change their mind. *There is a sort of locus poenitentiae, and indeed last minute alterations often do occur. Therefore, however, much a draft judgment may have been signed beforehand, it is nothing but a draft till formally delivered as the judgment of the court. Only then does it crystallise into a full-fledged judgment and become operative. It follows that the Judge who "delivers" the judgment, or causes it to be delivered by a brother Judge, must be in existence as a member of the court at the moment of delivery so that he can, if necessary, stop the delivery and say that he has changed his mind. There is no need for him to be physically present in the court but he must be in existence as a member of the court and be in a position to stop delivery and effect an alteration should there be any last minute change of mind on his part. If he hands in a draft and signs it and indicates that he intends that to be the final expository of his views it can be assumed that those are still his views at the moment of delivery if he is alive and in a position to change his mind but takes no steps to arrest delivery. But one cannot assume that he would not have changed his mind if he is no longer in a position to do so. A Judge's responsibility is heavy and when a man's life and liberty hang upon his decision nothing can be left to chance or doubt or conjecture; also, a question of public policy is involved. As we have indicated, it is frequently the practice to send a draft, sometimes a signed draft, to a brother Judge who also heard the case. This may be merely for his information, or for consideration and criticism. The mere signing of the draft does not necessarily indicate a closed mind.* ***We feel it would be against public policy to leave the door open for an***

***investigation whether a draft sent by a Judge was intended to embody his final and unalterable opinion or was only intended to be a tentative draft sent with an unwritten understanding that he is free to change his mind should fresh light dawn upon him before the delivery of judgment.*"**

29. The intent of the judge while making the dictation, therefore, becomes material. The Court might dictate a draft to keep the facts fresh in the mind and the draft so dictated then becomes final only after signing, subject to corrections and alterations which do not amount to a material change in the order. The signed order is what embodies the final unalterable opinion of the Court, it is the only version of the Court's order which is reached after multiple rounds of correction after dictation in Court. This practice, born out of necessity, is not only in line with Order XII of the Supreme Court Rules, but also acknowledged in the judgment of ***UP Housing*** (Supra) where this Court had observed that an order dictated in open Court can be altered and changed so long as no material changes are being made in the order, at which stage re-hearing would be required.

30. In such view of the matter, this miscellaneous application deserves to be dismissed as not maintainable and also on merits.

31. In light of the frivolity of the application, the nature of pleadings made and the attempt to undermine the authority of this Court, symbolic and exemplary cost of ₹2000 each is imposed on the Applicants, payable to the Supreme Court Legal Services Committee, to be deposited within four weeks from the date of this order.

.....J.
(J.K. MAHESHWARI)

.....J.
(ATUL S. CHANDURKAR)

NEW DELHI;
MAY 12, 2026.