

Chennai

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From

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To

The Hon'ble Chief Justice of India
Supreme Court of India
New Delhi

Respected Lordship,

Re: The Travails of Elderly Litigants – An Appeal for Timely Justice

I write this letter in my individual capacity as an **84-year-old retired Executive Director of the Life Insurance Corporation of India**, and as a pensioner who has been witnessing, and personally experiencing, the consequences of prolonged litigation.

I am conscious of the enormous constitutional responsibilities borne by the Hon'ble Supreme Court and of the difficulties involved in administering justice in a country with an enormous volume of litigation. I also fully recognise that adjournments may sometimes be unavoidable and that every case must receive the consideration that its complexity and constitutional importance demand.

My purpose in writing this letter is therefore **not to question judicial discretion or to seek any intervention in the merits of a pending case**. It is to place before Your Lordship, with utmost respect, the human cost that prolonged litigation can impose upon elderly litigants, particularly where an entire class of pensioners is awaiting a final determination.

My personal experience

I retired from LIC as an Executive Director more than twenty four years ago, and have, for many years, been associated with the efforts of LIC pensioners seeking resolution of their long-standing pension-related grievances.

The litigation concerning LIC pensioners has continued for an exceptionally long period. Some of the proceedings have their origins nearly a quarter of a century ago. The matter has travelled through different stages of litigation and has ultimately reached the Supreme Court.

I am now 84 years old. At this stage of my life, I am acutely conscious that **time has a very different meaning for an elderly litigant than it does for the justice system as a whole**.

A delay of another five years may appear, from an institutional perspective, to be only a period in the life of a case. For an 84-year-old pensioner, however, five years can represent a very substantial portion of the remaining years in which he or she can actually enjoy the fruits of justice.

The human cost of prolonged litigation

The most painful aspect of this prolonged litigation is not merely the expenditure involved or the uncertainty faced by pensioners. It is the fact that **many of those who originally pursued these claims are no longer alive.**

Based on information available to pensioners' representatives, it is estimated that approximately **20,000 eligible pensioners have died during the last 25 years.**

The figure of approximately 20,000 pensioners referred to above is **only an estimate based on information available to me and among pensioners' circles, and I do not claim it to be an exact or officially authenticated figure.** The precise number of eligible pensioners who have passed away during this prolonged period can, of course, be verified only from the records of the Life Insurance Corporation of India. I have deliberately used the approximate figure only to convey the magnitude of the human cost of prolonged litigation and not as a statistical assertion.

These were persons who had served LIC during their working lives and who had looked forward to enjoying their retirement with dignity and financial security. Many of them passed away without knowing whether the claims they had pursued for years would ultimately succeed.

Even if their legal representatives eventually receive the monetary consequences of a favourable judgment, the deceased pensioner himself or herself would never have experienced the justice for which the litigation was undertaken.

This raises a deeply human question: **What does justice mean to an elderly litigant if the final judgment arrives only after the litigant has passed away?**

The financial burden of adjournments

There is another aspect which perhaps receives less attention—the financial cost of prolonged litigation. Pensioners and their associations have to incur substantial expenditure over the years towards legal representation, consultations with counsel, travel and other incidental expenses. When a matter is adjourned, these expenses do not disappear. They recur when the matter is listed again. For pensioners living on fixed incomes, such expenditure can be significant. More importantly, repeated postponements create a continuing state of uncertainty. The litigant is required to organise his or her life around the expectation that the matter may finally be heard, only to find that the hearing has been postponed once again.

I respectfully submit that **the cost of delay is therefore not adequately reflected merely by counting the number of pending cases.** In the case of elderly litigants, the cost includes

their advancing age, declining ability to pursue litigation, financial expenditure and, ultimately, the possibility that they may not live to see the outcome.

The LIC pensioners' case is only an illustration

I do not place the LIC pensioners' litigation before Your Lordship merely to seek priority for my own case or for the class to which I belong. Rather, I submit it as an illustration of a much wider problem. There are likely to be numerous cases before constitutional courts involving pensioners, senior citizens and large classes of similarly placed persons where the passage of time can seriously undermine the practical value of the ultimate judgment.

The problem is particularly acute when the litigants are already in their seventies or eighties at the commencement of the final stage of litigation. For such litigants, **"justice delayed" can acquire a meaning much more serious than delay ordinarily conveys.**

Could the system recognise the age of the litigant?

I respectfully invite Your Lordship's consideration of whether the judicial administration could explore an appropriate mechanism for identifying cases in which:

- the principal litigants are senior citizens or very elderly persons;
- the matter has remained pending for an exceptionally long period;
- the litigation affects a large class of pensioners or similarly situated persons;
- the issue has already undergone substantial litigation and hearing; or
- continued delay may result in the practical benefit of the judgment reaching the heirs rather than the persons who actually pursued the litigation.

I am not suggesting that age should override judicial requirements or that any litigant should receive an adverse decision merely because the case has been pending for a long time. My humble suggestion is only that **the age and vulnerability of litigants may, wherever appropriate, be one of the factors considered in prioritising the hearing and disposal of exceptionally old cases.** Such a mechanism would, in my respectful view, be entirely consistent with the constitutional commitment to access to justice.

A special problem in class litigation

The problem becomes even more serious when the litigation involves a large class of pensioners. A class litigation may begin with thousands of living beneficiaries. As the years pass, the number of surviving beneficiaries progressively declines. The irony is that the longer such litigation continues, the smaller the living class becomes. Eventually, a judgment may technically resolve the rights of the class, but a substantial portion of the original beneficiaries may no longer be present to receive the benefit. In such circumstances, **delay itself alters the human consequences of the litigation.**

An appeal from an elderly litigant

I therefore humbly take the liberty of making this appeal to Your Lordship not merely as a retired LIC officer or as a pensioner involved in litigation, but as an elderly citizen who has spent many years observing the difficulties faced by fellow pensioners. I respectfully request Your Lordship to consider whether suitable institutional measures could be evolved for the early identification and expeditious disposal of exceptionally old cases involving elderly litigants and large classes of senior citizens.

Such measures could perhaps include, wherever feasible:

1. identification of cases which have remained pending for an exceptionally long period;
2. identification of cases where a substantial proportion of the affected litigants are senior citizens;
3. giving appropriate priority to cases involving very elderly litigants;
4. minimising avoidable adjournments once such matters are taken up for final hearing; and
5. where practicable, scheduling hearings in a manner that facilitates their conclusion within a reasonably foreseeable period.

I fully appreciate that the Hon'ble Chief Justice cannot interfere with the judicial discretion of a Bench hearing a particular matter. My humble appeal is therefore directed only towards **institutional and administrative measures that may help ensure that elderly litigants do not lose the practical benefit of justice merely because of the passage of time.**

The Supreme Court as the final hope

For an ordinary citizen, the Supreme Court represents the ultimate constitutional forum for justice. A pensioner who has already spent his or her working life in the service of the country and then spends the remaining years pursuing a legitimate claim naturally places enormous faith in the judicial system.

At the age of 84, I am conscious that I cannot assume that I will be present when every legal battle that concerns my generation ultimately reaches its conclusion. That realisation has prompted me to write this letter. **A judgment delivered after a litigant's lifetime may settle the law, but it cannot restore the years during which that litigant waited for justice.**

The judiciary cannot, of course, eliminate every cause of delay. Nor can every case be disposed of within a predetermined period. Complex constitutional and legal questions sometimes require prolonged consideration. But perhaps the justice system can identify those situations where **the human cost of delay becomes exceptionally high**, and respond accordingly.

My humble request

I therefore respectfully request Your Lordship to consider this issue as one deserving institutional attention—not merely for LIC pensioners, but for all elderly citizens who are compelled to spend the closing years of their lives in litigation. If even a modest mechanism can be devised whereby exceptionally old cases involving elderly litigants receive appropriate attention for early hearing and conclusion, it would, in my humble view, represent a significant step towards making access to justice more meaningful for India's senior citizens.

I make this appeal with **deep respect for the institution of the Supreme Court and without seeking any special treatment in the merits of any pending matter**. My only request is that the passage of time should not become an unintended barrier between an elderly citizen and the justice that citizen has spent years seeking. For an elderly litigant, **every year matters, every adjournment matters, and ultimately, every day matters**.

Why I have deliberately not referred to the specific case

I have deliberately refrained from mentioning the case number or case numbers of the LIC pensioners' litigation in this letter. This is a conscious decision on my part.

My purpose in writing to Your Lordship is not to seek any intervention, direction, priority or relief in any particular pending case, including the litigation concerning LIC pensioners. I would not wish this representation to be construed, even remotely, as an attempt to approach the Hon'ble Chief Justice in relation to the merits, listing or disposal of a matter pending before a particular Bench.

I have referred to the experience of LIC pensioners only as an illustration of the larger and deeply concerning problem of prolonged litigation faced by elderly and class litigants. My appeal is confined to whether suitable institutional or administrative mechanisms can be considered for reducing the human cost of such delay, particularly where the litigants are advanced in age and may not live to receive the benefit of the eventual adjudication.

I have therefore intentionally kept this representation at the level of a general appeal concerning timely access to justice for elderly litigants, rather than making it a representation concerning any particular pending case.

I respectfully place this appeal before Your Lordship in the hope that it may receive consideration in the larger interest of elderly litigants and the cause of timely justice.

With profound respect,

Yours faithfully,

C H Mahadevan

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