

GUIDELINES ISSUED BY HON'BLE SUPREME COURT TO BE FOLLOWED IN CIVIL MATTERS

By Hon'ble Supreme Court

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Hon'ble Supreme Court in ***Yashpal Jain v. Sushila Devi, 2023 INSC 948*** expressed it's disappointment in the delay caused in adjudication of cases, held that:

"The time for procrastination is long past, for justice cannot be a casualty of bureaucraticinefficiency. We must act now, for the hour is late, and the call for justice is unwavering. Let us, asguardians of the law, restore the faith of our citizens in the promise of a just and equitable society.Let us embark on a journey of legal reform with urgency, for the legacy we leave will shape the destiny of a nation. In the halls of justice, let not the echoes of delay and pendency drown out theclarion call of reform. The time is now, and justice waits for no one."

In furtherance of the same, the following directions were issued to ensure 'speedy justice':

- i. All courts at district and taluka levels shall ensure proper execution of thesummons and in a time bound manner as prescribed under Order V Rule 2 of CPCand same shall be monitored by Principal District Judges and after collating thestatistics, they shall forward the same to be placed before the Committee constitutedby the High Court for its consideration and monitoring.
- ii. All courts at district and taluka levels shall ensure that written statement is filed within theprescribed limit namely as prescribed under Order VIII Rule 1 and preferably within 30 days and toassign reasons in writing as to why the time limit is being extended beyond 30 days as indicatedunder proviso to sub-Rule (1) of Order VIII of CPC.
- iii. All courts at districts and talukas shall ensure after the pleadings are complete, the partieshould be called upon to appear on the day fixed as indicated in Order X and record the admissionsand denials and the court shall direct the parties to the suit to opt for either mode of the settlementoutside the court as specified in sub-section (1) of Section 89 and at the option of the parties, shallfix the date of appearance before such forum or authority and in the event of the parties opting toany one of the modes of settlement, directions be issued to appear on the date, time and venue fixedand the parties shall so appear before such authority/forum without any further notice at suchdesignated place and time and it shall also be made clear in the reference order that trial is fixedbeyond the period of two months making it clear that in the event of ADR not being fruitful, the trialwould commence on the next day so fixed and would proceed on day-to-day basis.
- iv. In the event of the party's failure to opt for ADR namely resolution of dispute as prescribed u/s 89(1) the court should frame the issues for its determination within one week preferably, inthe open court.
- v. Fixing of the date of trial shall be in consultation with the learned advocates appearing for theparties to enable them to adjust their calendar. Once the date of trial is fixed, the trial shouldproceed accordingly to the extent possible, on day-to-day basis.
- vi. Learned trial Judges of District and taluka Courts shall as far as possible maintain the diary forensuring that only such number of cases as can be handled on any given day for trial and completethe recording of evidence so as to avoid overcrowding of the cases and as a sequence of it wouldresult in adjournment being sought and thereby, preventing any inconvenience being caused to thestakeholders.
- vii. The counsels representing the parties may be enlightened of the provisions ofOrder XI and Order XII so as to narrow down the scope of dispute and it would be also the onerousresponsibility of the Bar Associations and Bar Councils to have periodical refresher courses and preferably by virtual mode.
- viii. The trial courts shall scrupulously, meticulously and without fail comply with the provisions ofRule 1 of Order XVII and once the trial has commenced it shall be proceeded from day to day ascontemplated under the proviso to Rule (2).
- ix. The courts shall give meaningful effect to the provisions for payment of cost for ensuring that noadjournment is sought for procrastination of the litigation and the opposite party is suitablycompensated in the event of such adjournment is being granted.
- x. At conclusion of trial the oral arguments shall be heard immediately and continuously andjudgment be pronounced within the period stipulated under Order XX of CPC.
- xi. The statisticsrelating to the cases pending in each court beyond 5 years shall be forwarded by every PresidingOfficer to the Principal District Judge once in a month who (Principal District Judge/District Judge) shall collate the same and forward it to the review Committee constituted by the respective HighCourts for enabling it to take further steps.
- xii. The Committee so constituted by the Hon'ble Chief Justice of the respective States shall meet atleast once in two months and direct such corrective measures to be taken by concerned court asdeemed fit and shall also monitor the old cases (preferably which are pending for more than 05years) constantly.