

CHAPTER 12
Execution of Decrees
PART A—GENERAL

1. **References** The Law relating to execution of decrees is to be found in sections 36 to 74, Sections 82 and 135; and Order XXI of the Code of Civil Procedure as amended by the Punjab High Court (vide Chapter 21 of this Volume). These provisions should be carefully studied and strictly followed. The changes introduced by the Punjab Relief of Indebtedness Act VII of 1934, and the Punjab Debtors, Protection Act, II of 1936, also require careful consideration.
2. **Special day to be reserved for execution work:** - Execution of decrees should receive the same attention from the Courts as original civil work and should be methodically and regularly dealt with, as expeditiously as possible. Where parties have to be heard or evidence recorded in the course of execution proceedings, notice should be given, processes issued and dates fixed as in the case of original suits. As a rule, one day during the week should be reserved for execution works so as to ensure proper attention being paid to it; sometimes two days are necessary. District Judges are responsible for seeing that proper arrangements are made for execution work by all courts subordinate to them.
3. **All orders to be recorded by the judge in his own hand:** - All orders passed in the execution proceedings should be carefully and distinctly put on record in chronological order. The practice of writing orders at the back of the talbanas or applications at stray places in the file leads to confusion and wastes the time of the courts and the lawyers. The initial office report should be put up on a separate sheet of paper which may form the first page of the Judge's autograph and all orders except those of a formal nature should be recorded by the Presiding Officer with his own hand in a separate record of proceedings as in a civil suit. Every formal order also should be signed by the Presiding officer.
4. **Distribution of execution work by District Judge:** - District Judges should record standing orders Distribution of regulating the distribution of applications for the execution of decrees among the Courts subordinate to them, providing for the disposal of cases in which decrees were passed by officers who have ceased to be attached to the district, and for carrying on the execution proceedings already pending before such officers at the time of their ceasing to be employed therein. In framing such orders, every Court should be required, as far as possible, to execute all decrees passed by itself; but, where this is not possible and it is necessary to send the decree to another Court for execution, care should be taken to see that it is a court of competent jurisdiction [Section 39 (2)].
5. **District Judge to see that execution work is not neglected in lower courts:** - Close supervision and control should be exercised by District Judges over the execution of decree business pending in all Courts subordinate to them; and where any officer is found habitually to neglect this branch of work or to dispose of it in a perfunctory manner, he should be reported to the High Court.
6. **Application for stay of execution:** - All applications for stay of execution should be treated as urgent.
7. **Presiding officer to see that money realized on warrants has been accounted for:** - To prevent defalcation, presiding officer should, while hearing execution applications, verify by personal inspection of previous warrants issued by him that any money previously realised by the execution bailiff or process server has been duly accounted for in the Nazir's accounts or otherwise disposed of through those accounts.
8. **{Expeditious disposal of Execution:** - The Executing Court must make efforts to dispose of the Execution Proceedings within six months from the date of filing, which may be extended only by recording reasons in writing for such delay. The Court may on the request of either of the parties to the suit or of its own, in appropriate cases at the time of passing the decree, for reasons to be recorded in writing fix a date for commencement of execution proceedings, register it as an execution petition and direct the parties to appear on the said date and permit the decree holder to file the formal application in the meantime."}

{Rule 8 inserted vide C.S. No. 84 Rules/II.D4 dated 21.11.2022}