

**PART K**  
**SPEEDY DISPOSAL OF CASES**

1. **Cause-diary:-** The speedy disposal of Court business is a matter which requires the earnest attention of every judicial officer. Delays of law are notorious in this country and tardy justice is often no better than injustice.

The proper despatch of Court work depends not merely on the ability of an officer, but also to a large extent on the personal attention paid by him to its adjustment and control. Amongst the important matters, which should receive his personal attention is the cause diary. The practice of leaving the fixing of dates to the clerical staff, leads to abuses and results frequently in confusion of work. The fixing of an adequate cause list which can be got through without difficulty during the Court hours requires some intelligence and forethought, and unless the officer pays personal attention to the matter and fixes the list with due regard to the time likely to be taken over each case, there is risk of a considerable number of cases being postponed from time to time with consequent delay in their disposal and inconvenience to the litigant public.

District Judges should from time to time examine the diaries of Subordinate Judges in their districts in order to see that too much or too little work is not fixed for any day. A sufficient number of cases should, however, be fixed for hearing, so that even if some cases collapse there would be sufficient work to keep the Judge fully occupied throughout the day.

2. **Causes of delay in disposal of cases:-** As a result of annual inspections, it has been found that the delay in the disposal of cases is mainly due to the following errors :—
- (i) Orders for the issue of notice to parties and summonses to witnesses are given without specifying the date by which process-fees must be paid into Court. Two days should be the usual time allowed.
  - (ii) On failure of service, orders for the issue of fresh process are given without ascertaining the cause of the failure of the service and fixing the responsibility therefore.
  - (iii) Documents, instead of being accepted either with the plaint or at the first hearing, are accepted at every stage of the case.
  - (iv) Applications for the issue of interrogatories, which should be accepted at the earliest stage of the case only, are accepted at a very late stage.
  - (v) Witnesses, who are present in Court are often sent away un-examined on all kinds of inadequate pretexts.
  - (vi) Cases are not proceeded with from day to day, and evidence is taken in dribblets.
  - (vii) Adjournments are granted for the preparation of arguments at all stages even in the matter of interlocutory orders.
  - (viii) Un-necessary long adjournments are granted, when adjournments are unavoidable.
  - (ix) Suits are dismissed or restored without adequate reasons.
  - (x) Orders are written by the Reader instead of the Presiding Officer.
  - (xi) Personal attention is not paid to service of processes. The instructions given in Chapter 7-D, Volume IV, should be carefully observed.
  - (xii) The adjournment on insufficient grounds on cases which have already become old.
  - (xiii) Fixing a large number of cases for a particular day and then postponing some of them for want of time.
  - (xiv) Delay in the disposal of appeals against preliminary decrees, etc.

Of all the foregoing, the most serious causes of delay are errors (i) and (ii).

All orders of whatever nature which are passed after the admission of a plaint (except those of a purely routine character) should be written by the Presiding Officer himself.

A Court should not adjourn any case for more than three months. If for any reason the diary for the next three months is full, a request for the transfer of some cases to some other court should be made to the District Judge.

Intermediate dates should be fixed to watch the return of files requisitioned from other courts and States.

3. **Commissions and Arbitrations:-** Delays also occur frequently in cases in which a commission has been issued or reference made to arbitration. Courts should insist on submission of reports and awards by the Commissioners or Arbitrators, as the case may be, within a reasonable time and should not grant adjournments without satisfying themselves that the Commissioners or Arbitrators are doing their duties and that sufficient cause has been shown for the grant of an adjournment. Parties and arbitrators should be made to understand that a reference to arbitration is liable to be cancelled if the award is not filed within time. It will be found useful to make a part of the Commissioners' fees depend upon punctual submission of his report, and to make this fact clear in the courts order and the letter of request to the Commissioner.
4. **Adjournment caused by absence of the Judge or unexpected holiday:-** On the concurrence of an unanticipated holiday or in the event of the presiding Officer of a court being absent owing to sudden illness or other unexpected cause, all cases fixed for the day in question shall be deemed to have been automatically adjourned to the next working day when the Presiding Officer is present and it shall be the duty of the parties or their counsel (but not of witnesses) to attend Court on that day.  
<sup>[5]</sup>[deleted]  
**{Para deleted vide C.S. no. 32 dated 7.5.88}**  

In the case of a Small Cause Court where there are Additional Judges, the provisions of sub-section(4) of section 8 of the Provincial Small Cause Court Act (IX of 1887) should be followed.
5. **Transfers:-**Whenever cases are transferred from one Court to another, the instructions contained in Chapter 13 of this Volume should be followed.
6. **Cases held up owing to records being in the appellate Court or pending decision of another case:-** Efforts should be made to give priority to cases, for the decision of which other cases are held up. Subordinate Judges are authorised to bring to notice of appellate Courts cases where a suit has already been postponed for more than 3 months merely because the records happen to be with the appellate Court. The Presiding Officer of the appellate Court should then treat the appeals in which records have been sent for by the lower Courts as "urgent" and dispose of them as early as possible. Appellate Courts should also treat all appeals in which proceedings have been stayed in a lower Court as "urgent."
7. **Interlocutory orders:-** Applications for interlocutory orders, the admission of which will hold up the original proceedings, should be carefully scrutinized and promptly disposed of.
8. **[Old cases and abstracts of order sheets:-**All Civil Courts are required to furnish to the High Court a statement of old civil cases pending over two years every month before the 10th of the following month in the proforma appended below together with their explanations where necessary and the comments of the Sessions Judge concerned thereon. The proceedings of monthly meeting of Judicial Officers should accompany the aforesaid statement.]

**{substituted by C.S. no. 29 dated 19.6.1980}**

**Proforma 'A'**

Consolidated statement of more than two years old Civil cases pending in the Courts of Subordinate Judges of \_\_\_\_, District for the month of \_\_\_\_\_

Name of the Court	Nature of Civil cases	No. of cases pending at the end of the last month	No. of cases which became over two years old during the month	Total No. Of cases	No. of cases disposed of during the month	Balance	No. of stayed cases
1	2	3	4	5	6	7	8

- 1. Civil Appeal
- 2. Civil Suits
- 3. Rent Act cases
- 4. Execution cases]

9. **Priority to certain cases:-** Attention is invited to the instructions as regards the speedy disposal of cases in which Government servants, military officers, soldiers, etc., are involved or to which the Government is a party (See Chapter 6 and 8 of this Volume).

Cases under section 28 of the Sikh Gurdwaras Act, 1925, should also receive priority and be disposed of as quickly as possible (Vide Circular Memo. No. 3823-G, dated the 20th May, 1927).

10. **Commercial Cases:-** "Commercial Cases" should be disposed of as speedily as practicable. The term "Commercial Case" is taken to include cases arising out of the ordinary transactions of merchants, bankers and traders; amongst others, those relating to the construction of mercantile documents, export or import of merchandise, affreightment, carriage of goods by land, insurance, banking and mercantile agency, mercantile usage, and infringements of trade marks and passing off actions and debts arising out of such transactions.

In the early stages of the trial or appeal the Court should, either on its own motion or on the application of either party mark a case as a 'Commercial Case', if it appears to the Court to justify that classification.

All cases which have been marked as "Commercial cases" under the preceding paragraph shall be brought to a hearing as early as may be practicable. Such cases shall be given priority on the day of hearing over other cases, except part-heard cases, and shall, so far as possible, be heard from day to day until they are finally decided.

11. **Compromise:-** Order XXIII, Rule 3 of the Code, relating to 'Compromises of Suits' has been amended in Punjab and the two provisos added to this rule should be carefully studied. The dispute about a compromise or adjustment or the parties' negotiations for the same, should not, as far as possible, be allowed to hold up the trial of the issues on merits and the witnesses in attendance should not ordinarily be sent back unexamined. When the case can not be proceeded with as indicated the reasons should be recorded in writing. The judgment in the suit should not, however, be announced until the question of adjustment or satisfaction has been decided.