

Tools for Speedy Justice in Civil Cases



**Under the able guidance of
Respected Shri K. Vinod Kujur
Principal District and Sessions Judge,
Durg (C.G)**

**Presented By – Shri Prashant Parashar,II District
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Justice Delayed Is Justice Denied



The right to speedy trial is an essential human rights and a fundamental guarantee of justice, which determines that justice is delivered to a person in time.

In this regards the concept of justice delayed is justice denied prevalent.



Article 21 of the Constitution of India



Constitutional Mandate

Article 21 guarantees the protection of life and personal liberty to every person. This fundamental right forms the cornerstone of individual freedom in India's constitutional democracy.

Right to Speedy Justice

Through judicial interpretation, Article 21 has been expanded to include the right to speedy trial and expeditious justice. Delay in justice delivery violates this constitutional guarantee.

Access to Justice

The Supreme Court has consistently held that meaningful access to justice requires timely resolution of disputes. Procedural delays defeat the very purpose of legal remedies.



Landmark Judgments on Speedy Justice



Hussainara Khatoon v. State of Bihar (1979)

This watershed judgment established that speedy trial is an essential component of fundamental rights under Article 21. The case highlighted systemic delays in criminal justice and set precedents applicable to civil proceedings as well, emphasising that procedural law exists to advance justice, not obstruct it.

Ram Rameshwari Devi Vs. Nirmala Devi (2011) 8 SCC 249

Yashpal Jain v. Sushila Devi (2023)

The Hon'ble Supreme Court reaffirmed that timely disposal of civil cases is essential to the right to access to justice and that systemic delay undermines public confidence in the judiciary. It held that courts must move from a passive to a proactive case-management model, using procedural powers under the CPC and High Court rules to control timelines, restrict adjournments, and monitor old cases, especially those pending over five years.

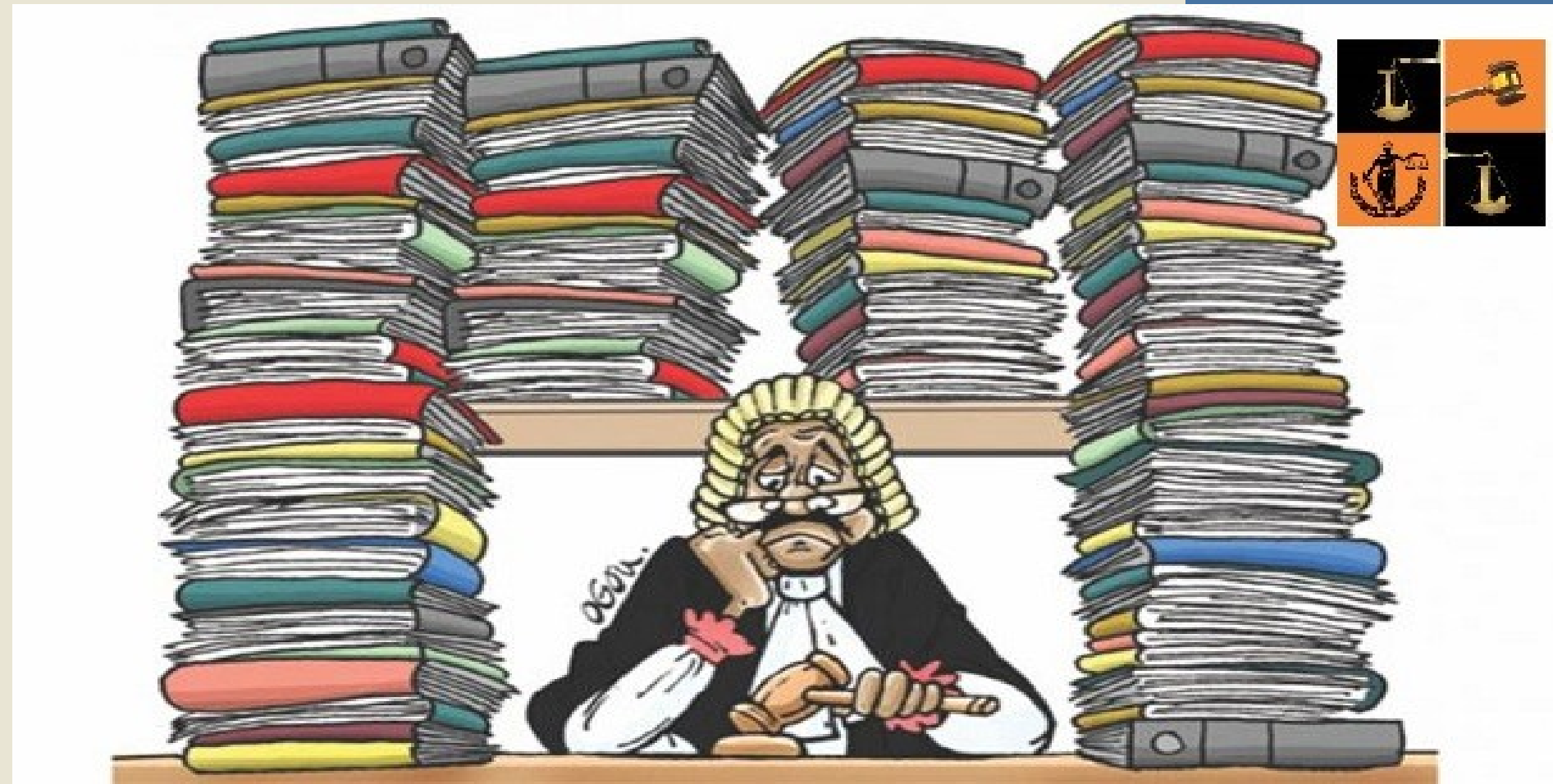
Yashpal Jain v. Sushila Devi 2023 SSC Online SC 1377

Following guidelines were issued :

- ✓ Proper execution of Summons in a time bound manner as prescribed under Order V Rule 2 of CPC should be done.

NAHAR Enterprises Vs. Hyderabad Allwyn Ltd. & Others (2007) 9 SCC 466

- ✓ Written Statement must be filed within 30 days as stated by Order VIII Rule 1. Courts should assign reasons for extending time.



Salem Advocate Bar Association v. Union of India

AIR 2005 SC 3353

This landmark judgment established crucial guiding principles regarding the filing of written statements. The Court clarified that whilst courts possess the discretion to extend the time limit beyond 90 days, such extension must be treated as an exception rather than the rule.

Extensions beyond the statutory period should only be granted when odd circumstances or exceptional situations genuinely warrant additional time. The Court emphasised that the 30-day period prescribed in Order VIII Rule 1, extendable to 90 days, should be strictly adhered to in normal circumstances.

Current Reality

However, in routine court practice, the opposite has been happening. Extensions beyond 90 days have become commonplace, defeating the statutory purpose and contributing significantly to case pendency..

Failure to File Written Statement

Consequences & Steps to be taken :

When defendants fail to produce written statements within the time frame prescribed by the court, Order 8 Rule 10 of the CPC provides specific remedial measures:

1

JUDICIAL DISCRETION

The court shall proceed under Order 8 Rule 10 and may exercise its judicial discretion to determine the appropriate course of action based on the circumstances of each case.

2

PRONOUNCE JUDGMENT

The court may pronounce judgment against the defendant who has failed to file the written statement, effectively deciding the suit based on the plaintiff's pleadings and evidence.

3

ALTERNATIVE ORDERS

The court may make such other order in relation to the suit as it deems fit, considering the interests of justice and the specific circumstances presented.

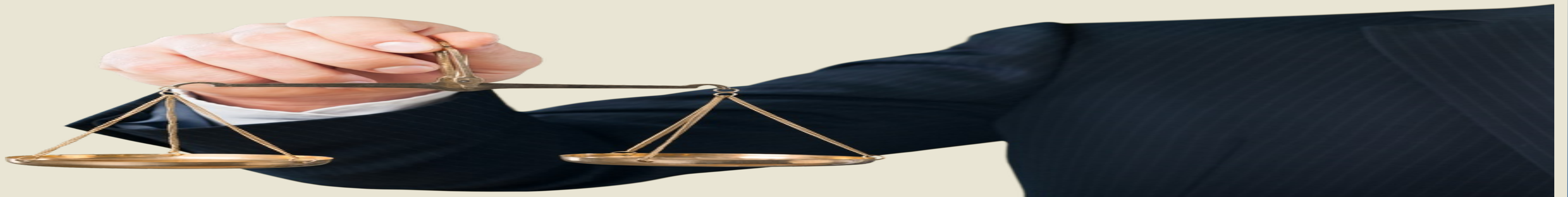
Important Note: The court is not obligated to pronounce judgment immediately. The provision grants flexibility, stating the court "may proceed" to take action, allowing for reasoned decision-making in appropriate time frames.

Basalingappa Chinnappa Goudar And Ors. vs Shantavva And Ors., 2001 SCC Online Kar 485

The point that arose for consideration was whether the defendant who has not filed the written statement has no right to cross-examine the plaintiff.

Held - By not filing the written statement defendant loses his right to put forth his defence to defeat the claim of the plaintiff only but he does not lose his right to demolish the case of the plaintiff by cross-examination. **The defendant by cross-examination of the plaintiff and his witnesses can demolish the case of the plaintiff and also address arguments on the basis of the evidence led by the plaintiff, and also make submission on law** and satisfy the Court that on the material on record, the plaintiffs case cannot be accepted and no decree can be passed in favour of the plaintiff.

However cross-examination cannot be permitted to travel beyond the very limited objective of pointing out the falsity or weakness of the plaintiffs case, and he be permitted to project his defence either directly or indirectly or in the form of suggestions to the plaintiffs witnesses.



Modula India vs Kamakshya Singh Deo (1988) 4 SCC 619

Striking Out Defence – Order 8 Rule 10

A plaintiff must always prove their case, even if no defendant appears in court. The defendant should generally be allowed the **right to cross-examine and present arguments**, subject to safeguards.

First safeguard: A defendant whose defence is struck off cannot lead their own evidence.

Second safeguard: Allowing such a defendant to cross-examine the plaintiff's witnesses may create procedural difficulties, but this is an issue of procedure, not principle, and should be managed case by case rather than barred outright.

Third safeguard: Any latitude given to a defendant who has not filed a written statement must not prejudice the plaintiff.

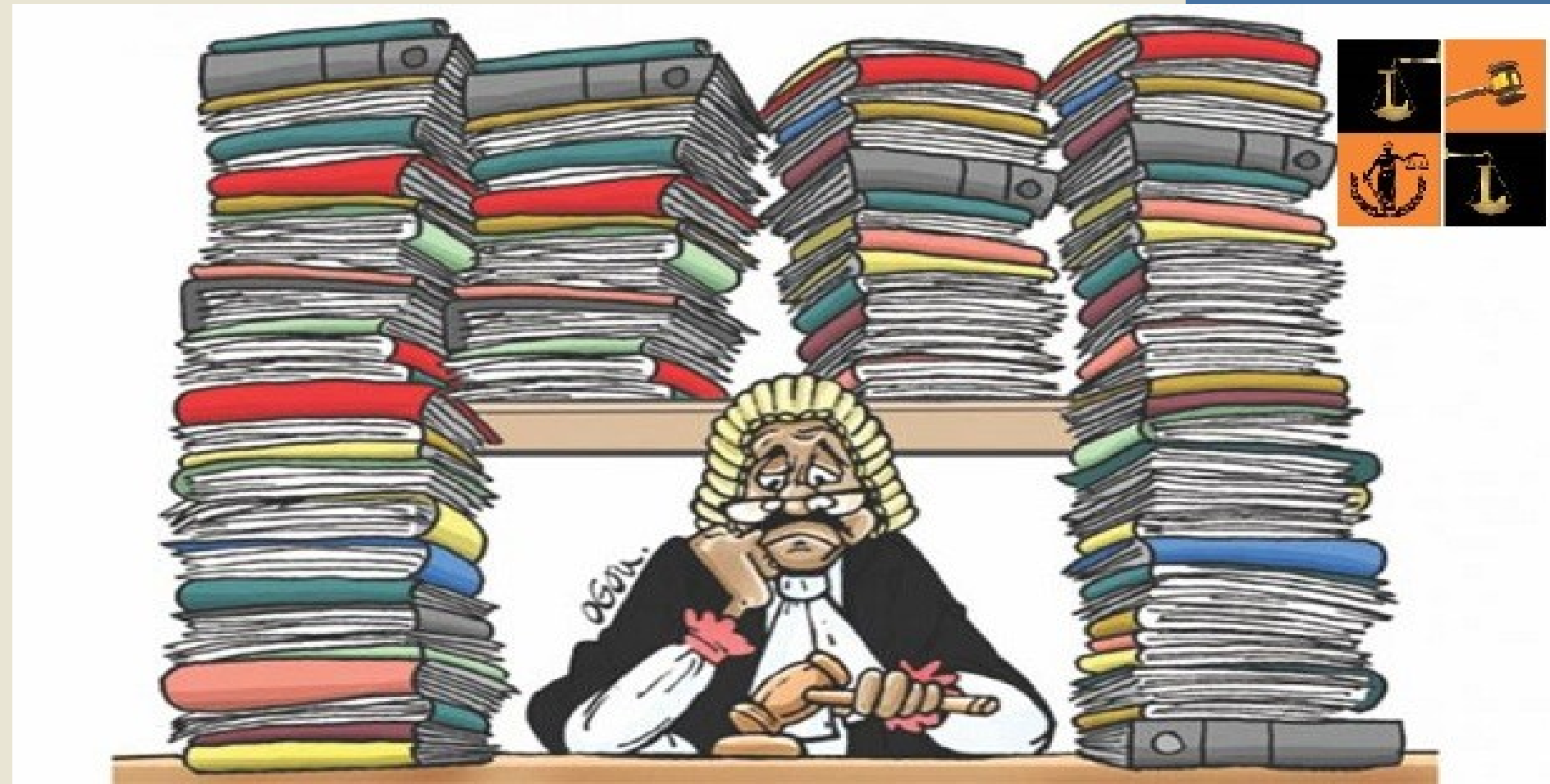


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Following other guidelines were issued :

- ✓ After the pleadings are complete, parties should be called to appear as per Order X. ADR mechanism should be tried under Section 89.
- ✓ If the parties fail to opt for resolution by ADR, the Court should frame the issues within one week.
- ✓ Date of trial should be fixed in consultation with the advocates. Trial should proceed in day to day basis.



Other guidelines were issued :

- ✓ Trail Judges Should list only such number of cases as can be handled.
- ✓ Advocates should be enlightened of Order XI (Discovery & Inspection) & Order XII (Admissions) to down the scope of dispute.
- ✓ Order XVII Rule 1 shall be followed meticulously and the trial shall proceed on a day-to-day basis. (Maximum three times can be given after that in exceptional circumstance time can be given.)



Others guidelines were issued :

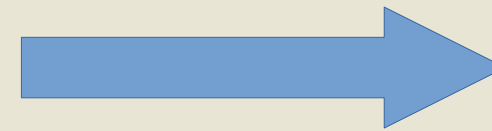
- ✓ Payment of costs to be ordered for adjournments of avoid procrastination by one party and to ensure opposite party is compenstaed.
- ✓ Oral aruguments to be heard immediately after conclusion of the trail and judgement should be pronounced within the period stipulated under Order XX.



When Witness Is Present But Party or Pleader Fail to Appear for Hearing [ORDER 17 RULE 1(2) C.P.C.]



Where a witness is present in Court but a party or his pleader is not present or the party or his pleader, though present in Court, is not ready to examine or cross-examine the witness,



COURT'S DISCRETIONARY POWERS

The Court may, if it thinks fit, record the statement of the witness and pass such orders as it thinks fit dispensing with the examination-in-chief or cross-examination of the witness, as the case may be, by the party or his pleader not present or not ready as aforesaid.



Points To Consider

- If party appear but fails to appear his witness than court proceed to decide the suit forthwith here it is not necessary to pronounce Judgment Immediately, court can fix the date for Judgment
- Objection on jurisdiction – Generally application instituted Under O 7 R 11 CPC but it has to bring under O 7 R 10 CPC due to this court order O 7 R 11 CPC and makes decree than it has to set aside in appeal.
- It is often seen that more than **one witness is produced to prove the same point** which is not necessary, because our Evidence Act does not require the number of witnesses [Section 134/139(BSA)].

Conti...

Points To Consider

- Similarly, only one witness is sufficient to prove the will, forcing the other is to waste time. We have to see if the first witness has recognized the signature or not.
- Number of applications under Order 6 Rule 17 C.P.C also filed in a routine manner.
- It is often seen that application under Order 7 Rule 14 C.P.C. are filed repeatedly during the hearing.



DELAY IN EXECUTION

**Periyammal (Dead Thr. Lrs.) & Ors. Vs.
V. Rajamani & Anr.
C.A. Nos. 3640–3642 of 2025**

The Hon'ble Supreme Court of India expressed grave concern over the non-execution of 8,82,578 civil court decrees across the country. The Court described the situation as “**highly disappointing**” and “**alarming,**” while underscoring that such prolonged delays defeat the very purpose of civil justice.



Certain reasons for delay in execution

- Notice are issued under Order 21 Rule 22 even when execution proceedings are initiated with in 2 years.
- Practically attachment proceedings can initiated in money recovery decree against salaried person.



Fast-tracking civil justice is essential — justice delayed must no longer mean justice denied.

Efficient disposal today ensures a stronger justice system tomorrow.



We should also remember -
“Justice Hurried is Justice Buried”.

“Together, let us commit to a civil justice system where every matter is resolved with both fairness and speed.”

Thank You

