OFFICE OF THE PRINCIPAL DISTRICT JUDGE:: KURNOOL

Dis.No. 2335 /Estt/2025

Dated 29-04-2025

Circular No.04/2025, dated 28-04-2025 with regard to Judgment, dated 06-03-2025 of the Hon'ble Supreme Court of India in Civil Appeal Nos.3640-3642 of 2025 – Disposal of execution petitions by the Executing Courts within Six months – Certain instructions – is herewith communicated, for information and compliance of the directions issued therein.

All the Judicial Officers working in Kurnool District are requested to download the Circular No.04/2025, dated 28-04-2025 with regard to Judgment, dated 06-03-2025 of the Hon'ble Supreme Court of India in Civil Appeal Nos.3640-3642 of 2025, from the District Court website i.e., website i.e.,**https://kurnool.dcourts.gov.in**., for information and compliance of the directions issued therein.

All the Judicial Officers are requested to submit the compliance report after downloading the above copy without fail.

PRINCIPAL DISTRICT JUDGE,
KURNOOL.

To,

All the Judicial Officers in Kurnool District including Official Receiver's Court.

The Secretary, District Legal Services Authority, Kurnool.

The Stenographer Grade-I, Principal District Court, Kurnool.
The Senior Superintendent (Accounts), Principal District Court, Kurnool.
The Translator/Superintendent, Principal District Court, Kurnool.
The Translator/Superintendent, Principal District Court, Kurnool.
The Civil Bench Clerk, Principal District Court, Kurnool.

The System Officer, District Court, Kurnool, with a direction to upload the same in the District Court's Official website.

DISTRICT & SESSIONS COURT KURNOOL 29/4/2025 RD 3531

HIGH COURT OF ANDHRA PRADESH

ROC.No.208/SO/2025 **Date:28.04.2025**

CIRCULAR NO. 04/2025

Sub: High Court of Andhra Pradesh – Judgment dated 06.03.2025 of Hon'ble Supreme Court in Civil Appeal Nos. 3640-3642 of 2025 –Disposal of execution petitions by the Executing Courts within six months – Certain instructions – Issued –R eg.

Ref: Judgment dated 06.03.2025 of Hon'ble Supreme Court in Civil Appeal Nos. 3640-3642 of 2025.

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The attention of all the Unit Heads of District Judiciary in Andhra Pradesh is invited to the Judgment dated 06.03.2025 in Civil Appeal Nos. 3640-3642 of 2025 of Hon'ble Supreme Court of India, wherein the Hon'ble Supreme Court observed long and inordinate delay across the country in deciding the Execution Petitions by the Executing Courts and directed for disposal of the same within six months.

The Hon'ble Supreme Court in the said Judgment observed ***inter alia*** as under:

"..... ....
....

73. *It is worthwhile to revisit the observations in Rahul S. Shah (supra) wherein this Court has provided guidelines and directions for conduct of execution proceedings. The relevant portion of the said judgment is reproduced below:*

29/4

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"42. All courts dealing with suits and execution proceedings shall mandatorily follow the below mentioned directions:

42.1. In suits relating to delivery of possession, the court must examine the parties to the suit under Order 10 in relation to third-party interest and further exercise the power under Order 11 Rule 14 asking parties to disclose and produce documents, upon oath, which are in possession of the parties including declaration pertaining to third-party interest in such properties.

42.2. In appropriate cases, where the possession is not in dispute and not a question of fact for adjudication before the court, the court may appoint Commissioner to assess the accurate description and status of the property.

42.3. After examination of parties under Order 10 or production of documents under Order 11 or receipt of Commission report, the court must add all necessary or proper parties to the suit, so as to avoid multiplicity of proceedings and also make such joinder of cause of action in the same suit.

42.4. Under Order 40 Rule 1 CPC, a Court Receiver can be appointed to monitor the status of the property in question as custodia legis for proper adjudication of the matter.

42.5. The court must, before passing the decree, pertaining to delivery of possession of a property ensure that the decree is unambiguous so as to not only contain clear description of the property but also having regard to the status of the property.

42.6. In a money suit, the court must invariably resort to Order 21 Rule 11, ensuring immediate execution of decree for payment of money on oral application.

42.7. *In a suit for payment of money, before settlement of issues, the defendant may be required to disclose his assets on oath, to the extent that he is being made liable in a suit. The court may further, at any stage, in appropriate cases during the pendency of suit, using powers under Section 151 CPC, demand security to ensure satisfaction of any decree.*

42.8. *The court exercising jurisdiction under Section 47 or under Order 21 CPC, must not issue notice on an application of third party claiming rights in a mechanical manner. Further, the court should refrain from entertaining any such application(s) that has already been considered by the court while adjudicating the suit or which raises any such issue which otherwise could have been raised and determined during adjudication of suit if due diligence was exercised by the applicant.*

42.9. *The court should allow taking of evidence during the execution proceedings only in exceptional and rare cases where the question of fact could not be decided by resorting to any other expeditious method like appointment of Commissioner or calling for electronic materials including photographs or video with affidavits.*

42.10 *The court must in appropriate cases where it finds the objection or resistance or claim to be frivolous or mala fide, resort to sub-rule (2) of Rule 98 of Order 21 as well as grant compensatory costs in accordance with Section 35-A.*

42.11 *Under Section 60 CPC the term "... in name of the judgment-debtor or by another person in trust for him or on his behalf" should be read liberally to incorporate any other person from whom he may have the ability to derive share, profit or property.*

42.12 The executing court must 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.

42.13 The executing court may on satisfaction of the fact that it is not possible to execute the decree without police assistance, direct the police station concerned to provide police assistance to such officials who are working towards execution of the decree. Further, in case an offence against the public servant while discharging his duties is brought to the knowledge of the court, the same must be dealt with stringently in accordance with law.

42.14 The Judicial Academies must prepare manuals and ensure continuous training through appropriate mediums to the court personnel/staff executing the warrants, carrying out attachment and sale and any other official duties for executing orders issued by the executing courts."

(Emphasis supplied)

74. The mandatory direction contained in Para 42.12 of Rahul S. Shah (supra) requiring the execution proceedings to be completed within six months from the date of filing, has been reiterated by this Court in its order in Bhoj Raj Garg v. Goyal Education and Welfare Society & Ors., Special Leave Petition (C) Nos. 19654 of 2022."

In view of significant pendency of Execution Petitions in Executing Courts in Andhra Pradesh and in compliance with the directions issued by the Hon'ble Supreme Court, all the Unit Heads of District Judiciary in Andhra Pradesh are hereby directed to instruct all the Judicial Officers dealing with the Execution Petitions in their respective units to ensure that

the execution petitions pending shall be decided and disposed of within a period of six months without fail.

It is imperative that concerted efforts be made to streamline processes, prioritize old and long pending matters, and adhere strictly to the timelines prescribed by the Hon'ble Supreme Court.

It is made clear in terms of directions of the Hon'ble Supreme Court that in the event of failure to comply above directions, the concerned Presiding Officer is responsible to the High court on administrative side.

REGISTRAR GENERAL

To

1. All the Registrars in the High Court of Andhra Pradesh.
2. All the Unit Heads in the State of Andhra Pradesh (with a request to circulate the same to all the Judicial Officers in their respective units).
3. All the Presiding Officers of Labour Courts/Tribunals in Andhra Pradesh.
4. The Registrar (IT cum CPC), High Court of Andhra Pradesh (with a request to place the circular in the official website of the High Court).