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1. INTRODUCTION

Order 21 of the Civil Procedure Code, 1908, is notoriously called the "nightmare of the decree-holder" because of its lengthy, multi-stage procedural rules are frequently used by judgment-debtors to delay execution. There are various Rules in Order XXI itself which would be used by the Judgment Debtors in order to prolong the disposal of execution petitions and to prevent the Decree Holder from enjoying the fruits of the Decree. Certain provisions in the Code itself contribute to the delay, such as Rule 22, Rule 26, Rule 29, Rule 58, Rule 59, Rule 89 to Rule 92, Rule 97 to Rule 103, Rule 105 and Rule 106 etc. Apart from these provisions, certain procedural requisites like issuance of notice at various stages of the EP also contribute to the major delays in the disposal of execution petitions. For example, issuance of notices to the JDR at various stages, is the main reason due to which majority of execution petitions stay stalled for lengthy period of time.

Execution proceedings should not be used to re-litigate issues already decided in the suit. The executing court's role is limited to ensuring the decree is executed, not to question its validity. The judgment underscores the importance of timely execution of decrees and prevents parties from frustrating decrees through collusive claims raised during execution proceedings. It reaffirms the principle that executing courts cannot go behind the decree or re-adjudicate issues already decided in the suit. ***The Hon'ble Supreme Court has in the case of Rahul S. Shah v. Jinendra Kumar Gandhi***¹ had issued directions to all High Courts to monitor and expedite the disposal of pending execution petitions, emphasizing the need to avoid delays in the execution of decrees. The Hon'ble Supreme Court reiterated the need for expeditious disposal of execution proceedings, directing all High Courts to ensure pending execution petitions are decided within six months.

¹ Rahul S. Shah v. Jinendra Kumar Gandhi in SCC

2. KEY PROVISIONS CAUSING DELAY IN ORDER 21

- **Rule 22 (Notice to Show Cause):** Requires the court to issue a mandatory notice to the judgment-debtor before executing a decree if more than two years have passed or against the legal representative of a deceased party. Judgment-debtors often prolong this stage by evading service of notice.
- **Rules 26 and 29 (Stay of Execution):** Allow the court to stay execution proceedings if a suit or an appeal is pending or if sufficient cause is shown. Judgment-debtors frequently file separate, collateral suits or frivolous appeals just to trigger Order 21 Rule 29 and stall the execution process.
- **Rules 58 to 59 (Adjudication of Claims and Objections):** Allow third parties to raise objections against the attachment of property. This initiates a mini-trial within the execution proceeding, complete with evidence and arguments, which substantially delays the realization of the decree.
- **Rules 89 to 92 (Setting Aside Sale):** Permit the judgment-debtor or any interested person to apply to set aside an auction sale on the grounds of material irregularity or fraud. This opens another avenue for protracted litigation over whether the property was sold for a fair value.
- **Rules 97 to 103 (Resistance or Obstruction to Possession):** Deal with resistance or obstruction to delivery of possession by the decree-holder, either by the judgment-debtor or third parties. Every obstruction leads to a separate investigation and adjudication by the executing court, adding years of delay.
- **Rules 105 and 106 (Default and Restoration):** Permit parties to file applications to restore execution petitions that were dismissed for default, or to set aside exparte orders, leading to procedural resets and repeated hearings.

3. DELAY IN DELIVERY OF POSSESSION EPs – RULE 35

If a decree-holder is resisted or obstructed in execution of the decree for possession with the result that the decree for possession could not be executed in the normal manner by obtaining warrant for possession under Order XXI Rule 35, then the decree-holder has to move an application under Order XXI Rule 97 for removal of such obstruction and after hearing the decree-holder and the obstructionist the Court can pass appropriate orders after adjudicating upon the

controversy between the parties as enjoined by Order XXI Rule 97 sub-rule (2) read with Order XXI Rule 98. It is obvious that after such adjudication if it is found that the resistance or obstruction was occasioned without just cause by the judgment-debtor or by some other person at his instigation or on his behalf then, such obstruction or resistance would be removed as per Order XXI Rule 98 sub-rule (2) and the decree-holder would be permitted to be put in possession. Even in such an eventuality the order passed would be treated as a decree under Order XXI Rule 101 and no separate suit would lie against such order meaning thereby the only remedy would be to prefer an appeal before the appropriate appellate court against such deemed decree.

This is when a third party who is actually a stranger to the decree and he was already dispossessed before he got an opportunity to obstruct, then there is a remedy under Order XXI Rule 99 CPC. He can file an application under Order XXI Rule 99 CPC, claiming that his disposition is illegal. Then court can decide that application as per Rule 98 and 99. And if the court finds any validity in such application, it can allow that application. If such an application is allowed after adjudication then as enjoined by Order XXI Rule 98 sub-rule (1) CPC the Executing Court can direct the stranger applicant under Order XXI Rule 99 to be put in possession of the property of if his application is found to be substance less, it has to be dismissed. These are all the impediments that could be caused by the parties in a decree for delivery of possession.

The purpose of Order XXI R.99 CPC is to give opportunity to the obstructionist, if the dispossession has happened without his knowledge. But it cannot be the purport behind Rule 99 that only after the stranger is dispossessed, then he should be getting this opportunity under Rule 99 to file an application to seek that his dispossession was unlawful or illegal. Once resistance is offered by a purported stranger to the decree and which comes to be noted by the Executing Court as well as by the decree-holder, the remedy available to the decree-holder against such an obstructionist is only under Order XXI Rule 97 sub-rule (1) and he cannot bypass such obstruction and insist on re-issuance of warrant for possession under Order XXI Rule 35 with the help of police force, as that course would amount to bypassing and circumventing the procedure laid down under Order XXI Rule 97 in connection with removal of obstruction of purported strangers to the decree. Once such an obstruction is on the record of

the Executing Court it is difficult to appreciate how the Executing Court can tell such obstructionist that he must first lose possession and then only his remedy is to move an application under Order XXI Rule 99, CPC and pray for restoration of possession.

It is easy to visualize that a stranger to the decree who claims an independent right, title and interest in the decretal property can offer his resistance before getting actually dispossessed. He can equally agitate his grievance and claim for adjudication of his independent right, title and interest in the decretal property even after losing possession as per Order XXI Rule 99.

Order XXI Rule 97 deals with a stage which is prior to the actual execution of the decree for possession wherein the grievance of the obstructionist can be adjudicated upon before actual delivery of possession to the decree-holder. While Order XXI Rule 99 on the other hand deals with the subsequent stage in the execution proceedings where a stranger claiming any right, title and interest in the decretal property might have got actually dispossessed and claims restoration of possession on adjudication of his independent right, title and interest dehors the interest of the judgment-debtor.

Under Order 21, Rule 101 all disputes between the decree-holder and any such person is to be adjudicated by the Executing Court.

→ **Difference between Section 47 and Order 21 Rule 97 r/w Rule 101**

Under Section 47 of the CPC, questions arising between the parties to the suit relating to the execution, discharge or satisfaction of the decree are covered whereas under Order XXI, Rule 97 read with rule 101 of the CPC, questions including those relating to right, title or interest in the property arising between the parties to the proceeding on an application under Rule 97 or Rule 99 of Order XXI are to be determined by the executing court. The language of Rule 97 provides that where the holder of a decree for possession of immovable property is resisted or obstructed by any person in obtaining possession of the property, he may make an application to the court complaining of such resistance or obstruction. The language used is "obstructed by any person". It may be by the judgment-debtor or by a third person.

Section 101 Questions to be determined:

All questions including questions relating to right, title or interest in the property arising between the parties to a proceeding on an application under rule 97 or rule 99 or their representatives, and relevant to the adjudication of the application, shall be determined by the Court dealing with the application and not by a separate suit and for this purpose, the Court shall, notwithstanding anything to the contrary contained in any other law for the time being in force, be deemed to have jurisdiction to decide such questions.

Rule 103 further provides that where any application has been adjudicated upon under Rules 98 or 100, the order made thereon shall have the same force and will be subject to the same conditions as to an appeal or otherwise as if it were a decree. Under Section 47 of the CPC all questions relating to the execution, discharge or satisfaction of the decree, have to be determined by the executing court whereas under Rule 101 all questions including question relating to right, title or interest in the property arising between the parties to the proceedings have to be determined by the executing court. Section 47 is a general provision whereas Order XXI Rules 97 and 101 deal with a specific situation. Moreover, Section 47 deals with executions of all kinds of decrees whereas Order XXI, Rules 97 and 101 deal only with execution of decree for possession.

In both of these provisions, it is clear that only matters arising subsequent to the passing of the decree can be determined by an executing court under Section 47 and Order XXI Rule 101. What flows from the position of law, as afore stated, is that the issues that ought to have been raised by the parties during the adjudication of the original suit cannot be determined by the executing court as such adjudication may undermine the decree itself. ***The Hon'ble Supreme Court in Rahul S. Shah v. Jinendra Kumar Gandhi*** has held that the benefit of Section 47 cannot be availed to conduct a retrial causing failure of realization of fruits of the decree.

Object behind section 47 of CPC

Section 47 is intended to prevent multiplicity of suits. It simply lays down the procedure and the form whereby the court reaches a decision. For the

applicability of the section, two essential requisites have to be kept in mind. Firstly, the question must be the one arising between the parties and secondly, the dispute relates to the execution, discharge or satisfaction of the decree. Thus, the objective of Section 47 is to prevent unwanted litigation and dispose of all objections as expeditiously as possible.

4. DELAY IN ARREST EPs - RULE 37 AND 38

→ **Rule 37. Discretionary power to permit judgment debtor to show cause against detention in prison.**

(1) Notwithstanding anything in these rules, where an application is for the execution of a decree for the payment of money by the arrest and detention in the civil prison of a judgment-debtor who is liable to be arrested in pursuance of the application, the Court shall, instead of issuing a warrant for his arrest, issue a notice calling upon him to appear before the Court on a day to be specified in the notice and show cause why he should not be committed to the civil prison:

Provided that such notice shall not be necessary if the Court is satisfied, by affidavit, or otherwise, that, with the object or effect of delaying the execution of the decree, the judgment- debtor is likely to abscond or leave the local limits of the jurisdiction of the Court.

(2) Where appearance is not made in obedience to the notice, the Court shall, if the decree holder so requires, issue a warrant for the arrest of judgment debtor.

→ **Rule 38. Warrant for arrest to direct judgment-debtor to be brought up.**

Every warrant for the arrest of a judgment-debtor shall direct the officer entrusted with its execution to bring him before the Court with all convenient speed, unless the amount which he has been ordered to pay, together with the interest thereon and the costs (if any) to which he is liable, be sooner paid.

The practical challenges that could arise in the execution of petitions of arrest are that it is often difficult for the field assistants to secure the presence of the JDR once the arrest warrant was issued. After the arrest warrant was

executed, the JDR would appear and plead time filing insolvency petition. This contributes for delay of the disposal of execution petition.

When the JDR has brought before the court after the execution of warrant, the JDR can either be set at liberty by taking personal bond or he can be detained in civil prison for his presence during the means of inquiry. Even if the JDR is set at liberty, then it would be difficult for the court to secure his presence for the purpose of means enquiry. Again, multiple arrest warrants might have to be issued. Otherwise, he might have to be detained in a civil prison, which is practically a much harsh procedure. It is harsh remedy to order for civil imprisonment even after means enquiry also. So ordering for such imprisonment before completion of means enquiry is a harsh remedy. So in order to evade that if the JDR is at liberty by taking the personal bond, then it might still be difficult for the court to secure his presence for the purpose of means inquiry. These are the practical challenges that would contribute to the delay of arrest and execution of petitions.

5. DELAY IN SALARY ATTACHMENT EPs - RULE 48

→ 48. Attachment of salary or allowances of servant of the Government or railway company or local authority.

(1) Where the property to be attached is the salary or allowances of a servant of the Government or of a servant of a railway company or local authority [or of a servant of a corporation engaged in any trade or industry which is established by a Central, Provincial or State Act, or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956)] the Court, whether the judgment-debtor or the disbursing officer is or is not within the local limits of the Court's jurisdiction, may order that the amount shall, subject to the provisions of section 60, be withheld from such salary or allowances either in one payment or by monthly installments as the Court may direct; and, upon notice of the order to such officer as the appropriate Government may be notification in the Official Gazette appoint in this behalf,

(a) where such salary or allowances are to be disbursed within the local limits to which this Code for the time being extends, the officer or other person

whose duty it is to disburse the same shall withhold and remits to the Court the amount due under the order, or the monthly installments, as the case may be;

(b) where such salary or allowances are to be disbursed beyond the said limits, the officer or other person within those limits whose duty it is to instruct the disbursing authority regarding the amount of the salary or allowances to be disbursed shall remit to the Court the amount due under the order, or the monthly installments, as the case may be, and shall direct the disbursing authority to reduce the aggregate of the amounts from time to time, to be disbursed by the aggregate of the amounts from time to time remitted to the Courts.

(2) Where the attachable proportion of such salary or allowances is already being withheld and remitted to a Court in pursuance of a previous and unsatisfied order of attachment, the officer appointed by the appropriate Government in this behalf shall forthwith return the subsequent order to the Court issuing it with a full statement of all the particulars of the existing attachment.

(3) Every order made under this rule, unless it is returned in accordance with the provisions of sub-rule (2) shall, without further notice or other process, bind the appropriate Government or the railway company or local authority or corporation or Government company, as the case may be, while the judgment-debtor is within the local limits to which this Code for the time being extends and while he is beyond those limits, if he is in receipt of any salary or allowances payable out of the Consolidated Fund of India or the consolidated Fund of the State or the funds of a railway company or local authority or corporation or Government Company in India; and the appropriate Government or the railway company or local authority or corporation or Government company, as the case may be, shall be liable for any sum paid in contravention of the rule.

Some of the practical challenges that would be faced by the courts in ensuring that the salary of the JDR is attached are as follows. It might take a lot of time for service of notices on the garnishee of the judgment debtor. Even after service of summons, the court receives the letters and explanations from the garnishee stating that the JDR has been transferred or that the JDR is not working in the said office. In some other instances, the Garnishee would send a

reply that there is no sufficient amount left to be attached from the salary of the JDR. In such cases, it would be difficult for the court to verify the credibility of such information received and the process of such verification might contribute to further delay in the execution petitions. Sometimes the JDR would manage the Garnishee and ensure that these false explanations are sent to the court. The court would then again have to follow the procedures as contemplated under Rule 46A and 46B and proceed with the execution by attachment of salary of such Garnishee. If it finds out that the Garnishee is willingly paying disobedience to the orders of the court, then the Court would have to again initiate the same proceedings against the Garnishee as if he is the judgment-debtor.

It is also a practical challenge for the court to follow up with the execution petition when the garnishee sends an explanation that there is no attachable portion as on the date and the salary would be attached after the completion of said attachments that were already there, that were already existing by the time of issuing the garnishee warrant. The practical challenge herein is to follow up the said petition and ensure that the salary attachment is made after the completion of the said attachments.

In some practical scenarios, the guardianship would return the warrants without executing them with frivolous objections that address of the JDR is not being tallied with the records or other particulars of the JDR are not being tallied with the records in order to protect the JDR. In such cases, the court would have to take necessary steps to ensure that the execution is completed properly.

6. DELAYS IN SALE EPs

→ Rules 89 to 92 (Setting Aside Sale):

Permit the judgment-debtor or any interested person to apply to set aside an auction sale on the grounds of material irregularity or fraud. This opens another avenue for protracted litigation over whether the property was sold for a fair value.

→ 89. Application to set aside sale on deposit.

(1) Where immovable property has been sold in execution of a decree, any person claiming an interest in the property sold at the time of the sale or at the

time of making the application, or acting for or in the interest of such person, may apply to have the sale set aside on his deposition in Court,-

(a) for payment to the purchaser, a sum equal to five per cent of the purchase-money, and

(b) for payment, to the decree-holder, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered less any amount which may, since the date of such proclamation of sale, have been received by the decree-holder.

(2) Where a person applies under rule 90 to set aside the sale of his immovable property, he shall not unless he withdraws his application, be entitled to make or prosecute an application under this rule.

(3) Nothing in this rule shall relieve the judgment-debtor from any liability he may be under in respect of costs and interest not covered by the proclamation of sale.

Rule 89 provides for setting aside of execution sale on payment of 5% of purchase price to the auction purchaser and entire amount specified in the proclamation for sale to the decree holder. The underlying object of this rule is to give judgment debtor the last chance of saving his property by getting the sale set aside before it is confirmed by the court. ***This was held in Ramkaran Gupta v. J.S. Exhibit Ltd. (2012) 13 SCC 568².***

→ **90. Application to set aside sale on ground of irregularity or fraud.**

(1) Where any immovable property has been sold in execution of a decree, the decree-holder, or the purchaser, or any other person entitled to share in a rateable distribution of assets, whose interests are affected by the sale, may apply to the Court to set aside the sale on the ground of a material irregularity or fraud in publishing or conduction it.

(2) No sale shall be set aside on the ground of irregularity or fraud in publishing or conducting it unless, upon the facts proved, the Court is satisfied that the applicant has sustained substantial injury by reason of such irregularity or fraud.

² Ramkaran Gupta v. J.S. Exhibit Ltd. (2012) 13 SCC 568

(3) No application to set aside a sale under this rule shall be entertained upon any ground which the applicant could have taken on or before the date on which the proclamation of sale was drawn up.

Explanation-

There mere absence of, or defect in, attachment of the property sold shall not, by itself, be a ground for setting aside a sale under this rule.

A sale of immovable property in execution can be satisfied also on the ground of material irregularity or fraud in publishing or conducting the sale, provided the applicant proves that he has sustained substantial injury by reason of such irregularity or fraud. The pre-sale irregularities committed in the execution are amenable to the remedy under Section 47. Post sale irregularities causing substantial injury to the judgment debtor are covered under Rule 90 of Order XXI CPC. ***This was held by the Hon'ble Supreme Court in the case of Desh Bandu Gupta v. N.L Anand (1994) 1 SCC 131 at para. 150³.*** The procedural irregularities referred to under this rule are as such as omission to issue sale notice under Rule 22, omission to publish sale proclamation under Rule 66, omission to mention prior encumbrances in proclamation under Rule 66, omission to state the revenue or rent payable on the land, omission to beat drum, omission to give survey number of the property, omission to hold sale at the stated time and place, sale after an order of stay of execution, sale after satisfaction of the decree, default in payment of deposit under Rule 84 or balance of purchase price under Rule 85 etc.

The following irregularities on the other hand have been held not to be the material irregularities under Rule 90. Absence of or defect in attachment, omission to mention exact time of sale in sale proclamation, omission to record reasons for adjournment of sale, omission to specify share of judgment-debtor in the property, omission to give notice to a receiver when he is not in possession of property, omission to send a copy of decree to the executing Court, misdescription of property in sale proclamation when the parties knew the property to be sold, omission to mention value of the property, omission to issue

³ Desh Bandu Gupta v. N.L Anand (1994) 1 SCC 131 at para. 150

a fresh proclamation after sale is adjourned, any other ground which the applicant could have taken on or before the sale proclamation was drawn up.

→ **91. Application by purchaser to set aside sale on ground of judgment-debtor having no saleable interest.**

The purchaser at any such sale in execution of a decree may apply to the Court to set aside the sale, on the ground that the judgment-debtor had no saleable interest in the property sold. Under Rule 91 of O.21 of CPC, the sale can be set aside on the ground that the JDR has no saleable interest in the property. This rule is intended to protect an innocent auction purchaser and it cannot therefore be invoked where the purchaser knew at the time of sale that the judgment debtor had no saleable interest in the property. ***This was held in the case of Kumarasamy Chetty v. T.R. Subramania by the Hon'ble Madras High Court⁴.***

→ **92 Sale when to become absolute or set aside.**

(1) When no application is made under rule 89, rule 90 or rule 91, or where such application is made and disallowed, the Court shall make an order confirming the sale, and thereupon the sale shall become absolute: Provided that, where any property is sold in execution of a decree pending the final disposal of any claim to, or any objection to the attachment of, such property, the Court shall not confirm such sale until the final disposal of such claim or objection.

(2) Where such application is made and allowed, and where, in the case of an application under rule 89, the deposit required by that rule is made within thirty days from the date of sale, or in cases where the amount deposited under rule 89 is found to be deficient owing to any clerical or arithmetical mistake on the part of the depositor and such deficiency has been made good within such time as may be fixed by the Court, the Court shall make an order setting aside the sale: Provided that no order shall be made unless notice of the application has been given to all persons affected thereby.

⁴ Kumarasamy Chetty v. T.R. Subramania
by the Hon'ble Madras High Court

(3) No suit to set aside an order made under this rule shall be brought by any person against whom such order is made.

(4) Where a third party challenges the judgment-debtor's title by filing a suit against the auction- purchaser, the decree-holder and the judgment-debtor shall be necessary parties to the suit.

(5) If the suit referred to in sub-rule (4) is decreed, the Court shall direct the decree-holder to refund the money to the auction-purchaser, and where such an order is passed the execution proceeding in which the sale had been held shall, unless the Court directs, be revived at the stage at which the sale was ordered.

Rule 92 deals with confirmation of sale or set aside of the sale. Generally, no sale of the immovable property shall become absolute unless it is confirmed by the court. If the objections raised under Rule 89 to Rule 91 are valid, then the court will set aside the sale or the sale would be confirmed. Where no application to set aside sale is made under Order XXI, Rule 89, 90 or 91, or where such application is made and it is disallowed by the court, the court shall make an order confirming the sale and thereupon the sale shall become absolute. ***This was held by the Hon'ble Supreme Court in the case of Janak Raj v. Gurdial Singh in AIR 1967 SC 608.***

Rule 72

As per Rule 72, if the DHR has to participate in the sale, then he has to obtain permission from the court. Then he can set off the claim from the sale amount. Though statutory notice is not required to be given to the JDR before according such permission to DHR, as per the principles of natural justice, the notice would be given to the JDR. ***This was held in the case of Jasvant Lal Natwar Lal v. Sushilaben Manilal.*** In this case, the Hon'ble Supreme Court has also observed that for getting a sale set aside, it is not sufficient to show that there was an illegality or irregularity in the conduct of the sale. The applicant has to show that substantial injury has been caused to him as a result of non-issues of the notice.

Rule 78

Rule 78 says that the sale of movable property in execution of a decree cannot be set aside on the ground of irregularity in publishing or conducting the sale.

Rule 83 - Postponement of sale

Rule 83 says that the court can postpone the sale on the application of the judgment debtor when he pleads that he would want to alienate the property privately. The chief object of this provision is to prevent sale of property of the judgment debtor in cases where the decree can be satisfied by private alienation of such property. Here the postponement can be at the discretion of the court and cannot be claimed as a matter of right by the judgment debtor. The court can dismiss this application if the judgment debtor was already given sufficient time to pay the decretal amount or where the private alienation will not satisfy the decree in full.

Rule 84

Rule 84 mandates that the successful bidder has to deposit 25% of the sale amount on that date itself unless it was dispensed with by the court. This is a mandatory provision and non-compliance of this mandate, makes the sale a nullity and the property can be resold. The defaulting purchaser in this case will be liable to pay the deficiency of amount in case of any re-sale.

7. GENERAL CAUSES FOR DELAY IN ALL EXECUTION PETITIONS**Rule 22**

Rule 22 provides for issuance of notice when the execution petition is filed after the expiry of period of 2 years or if it is filed against the LR's or against the assignee or receiver in insolvency may the party to the decree has been alleged to be an insolvent. This issuance of Rule 22 notice is mandatory as the term shall is used in the rule. However there is a proviso to such rule that no such notice shall be necessary in consequence of more than 2 years has been elapsed from the date of decree and application of execution petition if it is made within 2 years from the date of last order against the party against whom application is filed. Issue of Rule 22 also contributes for the for prolongation in disposal of execution petitions. However, in certain cases, the issuance of Rule 22 notice has

been made not mandatory and discretion was given to the court to exercise it judiciously whether Rule 22 notice is to be issued or not to be decided on the basis of whether it is necessary or not. ***The Hon'ble High Court of Andhra Pradesh has in the case of B. Gangadharam v. D. Shivashankar Reddy, in Criminal Revision Petition No. 831 of 2011***⁵ has held that issuing of Rule No. 22 notice is not mandatory in arrest EPs. In the recent circular of the Hon'ble High Court of AP also, discretion was given to the courts to adjudicate whether Rule No. 22 notice is mandatory in the given scenario.

Rule 26 and Rule 29

Provisions for the stay of execution of decree are made in Rule 26 of Order XXI. This Rule lays down that execution court shall, on sufficient cause being shown and on the judgment debtor furnishing security or fulfilling some conditions as may be imposed on him, stay execution of the decree for reasonable time to enable the judgment debtor to apply to the court which has passed the decree or to the appellate court for an order to stay execution.

Rule 29 provides for stay of execution pending suit between the Decree Holder and Judgment Debtor. It enacts that where the suit by the Judgment Debtor is pending in a court against the Decree Holder, such court may own the Judgment Debtor furnishing security or otherwise has the things which stay execution of the decree until disposal of such suit. The underlying object of the provision is twofold. Firstly, to enable the judgment writer and decree holder to adjust their claims against each other and secondly, to prevent multiplicity of execution proceedings.

In the case of ***Satyawati v. Rajinder Singh (2013) 9 SCC 491***, ***Hon'ble SC*** held that Execution is a right of decree-holder. It should not be stayed casually. O.21 R.29 must be applied cautiously

In the case of ***Sahodrabai v. Ramchandra Rao (AIR 1968 SC 1058)***, Suit and execution must be in the *same Court*. If in different courts, O.21 R.29 does not apply.

⁵ B.Gangadharam v. D.Shivashankar Reddy
in Crl.R.P. No.831/2011 in Hon'ble High Court of A.P.

In the case of ***Bhagwan Das v. Goswami Brijesh Kumarji (AIR 1976 SC 116)***, Mere filing of a suit by judgment-debtor is not enough. Court must see *prima facie merit* before granting stay.

In the case of ***Gurunath R. Bandekar v. Vithal R. Naik (2002) 1 Bom CR 342***, Court may impose conditions such as furnishing security while granting stay under O.21 R.29.

Rule 58 - Claim Petitions

The adjudication of claim petitions under Order 21 Rule 58, requires adherence to several key principles as laid down by the Hon'ble Supreme Court of India to ensure a fair and efficient process. ***In Silverline Forum Pvt. Ltd. v. Rajiv Trust (1998) 3 SCC 723, the Apex Court*** emphasized that the executing court must conduct a thorough and prompt inquiry into the claim or objection to ascertain the genuineness of the claimant's rights over the attached property. The Court stressed that such petitions should not be dismissed summarily without a proper examination of evidence. Furthermore, in ***Ashan Devi v. Phulwasi Devi AIR 2003 SC 1253, the Supreme Court*** reiterated that the burden of proof lies on the claimant to establish their right, title, or interest in the property. The Court clarified that claims lacking *prima facie* evidence should be rejected to prevent the misuse of the judicial process. In ***Desh Bandhu Gupta v. N.L. Anand & Rajinder Singh (1994) 1 SCC 131***, the Supreme Court also highlighted that claim petitions must be adjudicated expeditiously to avoid undue delays in the execution proceedings, ensuring that the decree-holder's rights are not unjustly hindered. Additionally, in ***Brahmdeo Chaudhary v. Rishikesh Prasad Jaiswal (1997) 3 SCC 694***, the Court instructed that execution courts should adopt a proactive stance in resolving disputes related to attachments, ensuring that objections are not used as a tool to obstruct the execution process. These rulings collectively underscore the importance of a balanced approach in adjudicating claim petitions, where the rights of claimants are fairly considered while preventing frivolous claims from delaying the enforcement of decrees.

Rule 105 and Rule 106

Rule 105 and 106 have been inserted by Amendment Act of 1976. Rule 105 provides that the court before which the application is pending may fix a date for hearing for such application. When the application is called out for hearing and the applicant is not present, the court may dismiss the application. On the other hand, if the applicant is present and the opposite party is not present, the court may hear the application *ex parte* and pass such order as a things fit. Rule 109 lays down that if application is dismissed for default or *ex parte* order is passed under Rule 105, then aggrieved party may appear to the court to set aside such order. The court may set aside such order if sufficient cause is shown. The order rejecting an application under Rule 106(1) is appealable.

8. GUIDELINES OF HON'BLE SUPREME COURT

The Hon'ble Supreme Court has, in the case of ***Rahul S. Shah v. Jinendra Kumar Gadhi*** has issued certain guidelines and has reiterated the same in the case of ***Periyammal v. Rajamani in paragraph no.73***, reiterated the guidelines issued by it in Rahul S. Shah case.

"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 malafide, 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."

The mandatory direction contained in **Para 42.12 of Rahul S. Shah** requiring the execution proceedings to be completed within six months from the date of filing, has been reiterated by this **Hon'ble Supreme Court in its order in Bhoj Raj Garg v. Goyal Education and Welfare Society & Ors., 2022.**

The Hon'ble Supreme Court has reiterated that the execution petitions should be disposed of within a period of six months and other guidelines issued by the **Hon'ble Supreme Court in Rahul S. Shah** case are to be followed in the case of **Bhoj Raj Garg vs Goyal Education And Welfare Society on 18 November, 2022**

Again, the Hon'ble Supreme Court has reiterated the same guidelines in the periyammal case in the year 2025, and has also issued directions to all the Hon'ble High Courts to issue circulars mentioning the timelines and other guidelines that are to be followed by the District Judiciary while disposing of Execution Petitions.

In ***Satyawati v. Rajinder Singh (2013) 9 SCC 491***, the **Hon'ble Supreme Court** laid down specific guidelines for execution courts, emphasizing that they must adopt proactive measures to expedite the execution process, including the timely issuance of warrants and the strict enforcement of attachment orders and it was held that there should not be unreasonable delay in execution of a decree because if the decree-holder is unable to enjoy the fruits of his success by getting the decree executed, the entire effort of successful litigant would be in vain.

The Hon'ble Supreme Court has in the case of ***R. N. Jodi & Brothers v. Subhashchandra (2007) 6 SCC 420***, highlighted the need for trial courts to adhere to strict timelines and avoid granting unnecessary adjournments and observed that by delaying the disposal of cases by the defendants, it causes inconvenience to the plaintiffs.

In the case of ***C. Dilip Kumar vs. Y.Veera Raghavulu, 2024 (2) ALT 437***, the **Hon'ble High Court of AP**, held that Execution Courts should be absolutely firm in stopping to dishonest tactics of J.Dr and emphasises the necessity for executing courts to ensure that decrees are executed promptly and effectively.

In the case of Salem Advocate Bar Association, Tamil Nadu v. Union of India, AIR 2005 SC 3353, the Hon'ble Supreme Court laid down guidelines for the expeditious disposal of cases, including execution petitions, emphasizing the need for meet time bound procedures and discouraging frequent adjournments. Further in the case of ***Desh Bandhu Gupta v. N.L. Anand & Rajinder Singh, (1994) 1 SCC 131***, the Court Stressed the importance of prompt execution of decrees and provided directions to lower courts to avoid unnecessary adjournments and ensure speedy disposal of execution proceedings.

9. CIRCULARS AND GOs

→ **Circular No.04/2025 dt.28.04.2025 vide ROC.No.208/SO/2025**

The **Hon'ble High Court of Andhra Pradesh** has issued a circular **vide ROC No.208/SO/2025 dated 28.04.2025 vide Circular No. 4 of 2025** wherein the Hon'ble High Court of AP has mentioned all the guidelines mentioned by the Hon'ble Supreme Court in Periyammal case and had given directions to

the District Judiciary to dispose of the execution petitions within a period of 6 months without fail and in case of failure to follow the directions of the Hon'ble Supreme Court, the concerned Presiding Officers will be responsible to the Hon'ble High Court on administrative side.

→ **Circular No.08/2026 dt.20.08.2026 vide ROC.No.208/SO/2025**

Now, the ***Hon'ble High Court of Andhra Pradesh had again issued a circular vide No. 208 of 208/SO/2025 dated 28.02.2026 vide No. 206.*** But in the Hon'ble High Court of Andhra Pradesh has again given certain guidelines in the disposal of execution petitions.

In the circular, the Hon'ble High Court of Andhra Pradesh has given following guidelines.

I

- 1.** As per Rule 212 of Civil Rules of Practice and Circular Orders, if the execution petition is admitted, the applicant shall within 2 days or within such other period as may be fixed by the judge, pay court fee to issue process.
- 2.** To dispose of the execution petitions within 6 months and to avoid delay, the Executing Court shall insist the applicant of the execution petition to pay the process and subsistence allowance along with the execution petition and thereafter fix the date of for appearance of JDR not exceeding 30 days.
- 3.** If the process fee is not paid along with execution petition, the execution petition shall be adjourned for payment of process for 3 days.
- 4.** Even after lapse of time, if process fee is not paid, the execution petition shall be dismissed for default. In case of arrest, process fee and subsistence allowance must be paid as contemplated in Rule 212 of Civil Rules of Practice.

II

- 1.** The Presiding Officer shall decide whether a notice under Order XXI Rule 22 is required.
- 2.** The Court/Presiding Officer has the discretion to dispense with Order XXI Rule 22(1) and (2) notices as per the AP State Amendment.
- 3.** Instead of mechanically sending notices or processes repeatedly to the same old address of the JDR, when the notice or process returned with endorsement

that address not correct or addressee left, the Court shall insist the DHR to furnish the correct address as required under Order VI Rule 14A.

4. The court can order the summons to hand over to the Re-HR for personal service on JDR under Order V Rule 9-A in the presence of a respectable person or a Gazetted officer.

5. If it is found that the respondent has been avoiding to receive notices or getting them returned, the court shall resort to substitute service as contemplated under Order V Rule 20 CPC and can take presumption as to service of notice.

6. At the time of registering the execution petitions, the court shall insist the DHR to pay the process and subsistence allowance along with the execution petition or direct him to pay such process within 3 days from the date of registration of execution petition as contemplated under Order XXI Rule 39(1) of CPC.

7. The executing court shall specifically mention in the process a specific date on or before which the notice is to be served on the JDR and return to the court in terms of Order XXI Rule 24(3) CPC.

7. 1 The court shall insist the draft document to be executed by the court filed along with execution application and send such copy to the JDR along with notices as per Order XXI Rule 34(1) CPC and Rule 220 of Civil Rules of Practice, so that delay can be avoided.

7. 2 Once draft document is sent to Registrar's Office for registration, the court shall fix a date for return of registered document to the court. If the registering authority raises any objection, the Executing Court shall insist the DHR to comply such objections by giving short time i.e. not more than 7 days.

8. The Executing Court shall pass orders under Order XXI, Rule 54 and Rule 66 simultaneously, so that the immovable property shown in the execution petition would be attached and on the date shown in the notice for appearance of JDR, the terms would be settled and proclamation would be prepared for sale of the attached property.

9. In execution petitions, for attachment of salary of JDR, after service of notice, if the Garnishee fails to deduct and send amount from the salary of JDR, instead

of adjourning the petition with an observation 'await amount or information from the Garnishee', shall order a Garnishee notice as contemplated under Rule 21, Rule 46-A and Rule 46-B of CPC.

10. If the court in EP proceedings finds that the objection, resistance or claim is frivolous or malafide may grant compensatory costs in accordance with Section 35A CPC and Order XXI Rule 98(2) CPC.

11. Under Section 60 CPC, the terms "In the name of Judgment-debtor or of any other person in-trust for him or on his behalf" should be read liberally to incorporate any other person.

The suggestions were also issued as follows.

1. The execution petition shall be disposed of within 6 months from the date of filing. However, by recording reasons, the time may be extended.

2. The Executing Court, on being satisfied that the decree cannot be executed without police assistance, shall direct the concerned police to provide assistance to the court officials for execution of decree on the application being made by the concerned.

3. The execution proceedings shall not be treated as fresh litigation.

4. The Executing Court shall give short notices for service of notices on the basis of distance of the address of the respondent in JDR.

The Hon'ble High Court has also issued guidelines with regard to the early disposal of claim petitions in EPs and they are as follows.

1. Order X of CPC authorizes the court to examine both parties at the time of first hearing in original proceedings. The same procedure can be adopted at the first hearing of execution petitions as well, particularly when claim petitions are filed.

2. Many claim petitions are being filed in relation to immovable properties and are kept pending in execution of petitions. According to Section 64(1) of CPC, private alienation of property after attachment is void. However, Section 64(2) of CPC prescribes certain exceptions. The preceding officer has to examine whether the interest claimed by the claimant is based on registered document or whether such alleged rights were created prior to attachment.

- 3.** If the court comes to the conclusion that JDR with a view to protract the proceedings and to prevent the DHR or the auction purchaser from taking possession of the property, has got filed such claim petition through third parties, the Execution Court shall resort to Section 74 of CPC and send JDR to Civil Prison. Thereby, unwarranted claim petitions can be curbed.
- 4.** Order XXI Rule 58 contemplates adjudication upon claim petitions. But, such petitions shall not be entertained in respect of the property attached and has already been sold inasmuch as such claim petitions are designed. Lean or unnecessarily filed to delay the EP proceedings.
- 5.** When the court refuses to entertain objections or claim petitions, the party against whom the order of refusal parcel is entitled to institute a suit. However, the execution proceedings need not be stayed on the ground that suit is pending.
- 6.** Order XXI Rule 59(b) specifically provides that the immovable property pending adjudication of any claim petitions may be sold at an auction in EP proceedings. However, such sales shall not be confirmed. However, such sales are subject to result of the claim petition.
- 7.** Once objections under Section 47 of CPC or Order XXI Rule 58 of CPC filed and registered, the court shall examine whether recording of evidence in such petitions is necessary or not or can the can be disposed of on affidavits or on the basis of admitted documents.
- 8.** The execution courts shall make an endeavour to decide such petitions without recording evidence. When the court feels that recording of evidence is necessary to dispose of aforesaid objection petitions, only then the execution courts shall proceed to record evidence.
- 9.** The Presiding Officer shall not adjourn the execution petitions to longer dates. However, due to the technical hurdles or pendency of various other proceedings, the need may arise to adjourn the proceedings. In such an event, the Presiding Officer shall mention the same in the law kit and shall grant short adjournments only.
- 10.** The Principal District Judges shall enquire whether the Presiding Officers are paying attention or taking care of the time of numbering the claim petitions. The Principal District Judge shall also monitor disposal of such claim petitions.

Again, certain suggestions were given and they are as follows.

- 1.** The Presiding Officers of Execution Courts shall take steps to settle the execution petitions by way of mediation or through local dollars, particularly the execution petitions relating to money decrease or rewards. If the parties seek time on the ground of compromise, the execution court shall give only short dates.
- 2.** It is the duty of DHR to secure particulars of the legal representatives of the deceased jada. If the DHR is not prompt in taking steps, the court shall Close the execution petition instead of giving literal adjournments.
- 3.** The Principal District Judge as the member of District Carriers Committee/District Court Management System Committee shall monitor the disposal of execution petitions every month and shall advise the presiding officers who are not able to attend to the disposal of execution petitions effectively to improve the disposal.
- 4.** The staff members who are attending to the execution petition shall be thorough with the provisions and procedural aspects. Thereby unnecessary and treacherous objections can be prevented. For this to happen, the staff members shall be trained once in three months by the District Courts with the assistance of Senior Judicial Officers and the Senior retired staff members.

10. SERVICES OF NOTICES - DELAY - CIRCULARS AND GOs

Service of Notices is one of the main reasons for contribution of delays in the execution petitions

→ **Circular dt.31.08.2026 vide ROC.No.1382/2025-CPS**

The ***Hon'ble High Court of Andhra Pradesh has issued a circular vide ROC No.1382/2025-CPS dated 31.08.2026*** wherein the Hon'ble High Court of AP has gave the guidelines regarding the service of e-Summons which can be used in case of execution petitions as well.

It is hereby informed that the facility for generation and issuance of e-Summons has been provided in DC-CIS 4.0, which is integrated with the Crime and Criminal Tracking Network & Systems (CCTNS) through the Interoperable Criminal Justice System (ICJS).

- 1.** The High Court has notified the Andhra Pradesh Electronic Process (Issuance, Service and Execution) Rules, 2025, which came into force with effect from 25.05.2026, thereby enabling the Courts working under the control of the High Court to generate, issue, serve and execute e-Summons in accordance with the said Rules.
- 2.** The High Court has further decided to implement the process of e-Summons through the Police Department in criminal cases, by utilizing the integration of DC-CIS 4.0 with CCTNS through ICJS, with a view to ensuring expeditious and effective service of summons.
- 3.** In this regard, all the Unit Heads shall issue necessary instructions to the Judicial Officers and concerned staff working under their administrative control to ensure effective and uniform implementation of e-Summons in their respective Courts, duly adhering to the provisions of the Andhra Pradesh Electronic Process (Issuance, Service and Execution) Rules, 2025.
- 4.** The Judicial Officers shall ensure that, wherever applicable, e-Summons are generated through DC-CIS 4.0 and transmitted through the prescribed electronic mechanism by utilizing its integration with CCTNS through ICJS, particularly for service through the Police Department in criminal cases. The requisite particulars, including the correct and complete details of the person to whom the summons is to be served, shall be accurately entered and updated in DC-CIS 4.0 to facilitate seamless generation, transmission, service and execution of e-Summons.
- 5.** All concerned Judicial Officers, staff and Police Officers shall extend necessary cooperation and coordination for the successful implementation of e-Summons. Any technical issues or difficulties encountered in the generation, transmission or service of e-Summons shall be promptly brought to the notice of the concerned System Officer/System Assistant and, wherever necessary, to the notice of the High Court.
- 6.** The Unit Heads shall closely monitor the implementation of e-Summons in all the Courts under their respective administrative control and ensure strict compliance with the aforesaid Rules and the instructions issued by the High Court from time to time. A monthly statement regarding the implementation of e-Summons, in the prescribed format, shall be obtained from the concerned Courts

and submitted to the High Court within the stipulated time. Therefore, all the Unit Heads are requested to accord top priority to the implementation of e-Summons and ensure its effective and uniform adoption in all the Courts under their respective administrative control.

The Government of Andhra Pradesh has also issued a GO on the issuance of Electronic Processes on 22-05-2026

THE ANDHRA PRADESH ELECTRONIC PROCESSES (ISSUANCE, SERVICE AND EXECUTION) RULES, 2025. [G.O.Ms.No.107, Home (Courts-B), 22nd May, 2026.]

The contents of the G.O.Ms.No.107, Home (Courts-B) dated 22.05.2026 in brief are that:

3. The Court shall generate and issue process in electronic mode through CIS in such forms as set forth in the Second Schedule of the Sanhita, with such variations as the circumstances of each case may require. The same shall be served by an officer of the Court issuing it.
4. When the Court does not possess required electronic address/contact details of the person to whom such process is intended to be served or when the process issued as per Rule 3 is not served, it may direct the same to be served by a Police Officer or other Public Servant.
5. Every process issued in form of electronic communication under the Sanhita must ordinarily be written in the language of the Court and shall be in an encrypted form of electronic communication and shall bear the image of the seal of the Court and eSign.
6. Every process issued electronically shall contain eSign in such a manner that the name of the Court and the capacity in which the signatory or subscriber acts, should be clearly mentioned. The summons generated in electronic form shall bear image of the seal of the Court and eSign of the appropriate officer of the Court or the Superintendent or any person authorized in writing in this regard as the case may be. Every warrant of arrest in electronic form shall be issued by eSign of the Presiding Officer of the Court and shall also bear the seal of the Court.
7. Where the processes generated in electronic form are received on CCTNS through a secured system, in an encrypted or any other form of electronic

communication, it shall be presumed to be issued by the Court. Further, any print out of such process shall have the same effect as issued in original for the purpose of its execution.

- 8.** The Officer-in-charge of the Police Station shall ensure that the verified details relating to address, disclosed electronic mail address, phone number and messaging application used by the accused or witnesses, as the case may be, are recorded during arrest, investigation or inquiry and entered in CCTNS. Such details shall also be entered in the Register maintained at the Police Station in compliance with Sub-Section (1) of Section 64 of the Sanhita. If any of such details are not available, the Officer-in-charge of the Police Station shall make an endorsement to that effect in the Register:

Provided that any such details may be amended on the basis of further verification or on the basis of an application by such

- 9.** Where a case is filed on the basis of a private complaint, the complainant shall provide the details relating to address, disclosed electronic mail address, phone number and messaging application of the accused and witnesses along with the complaint. If any of such information is not available, the complainant shall make an endorsement to that effect.
- 10.** The details relating to address, disclosed electronic mail address, phone number and messaging application shall be transmitted in electronic form and maintained in CIS and may be used for issuance of process. Such digital information shall form part of the register under Section 64 of the Sanhita.
- 11.** The details relating to disclosed electronic mail address, phone number and messaging application of the victim and witnesses shall not be disclosed to the accused.
- 12.** The Officer-in-Charge of the Police Station or any Sub-ordinate Officer deputed by him upon receipt to summons issued in pursuance of Rule 4 may forward the summons on the disclosed electronic mail address, phone number or messaging application of the person summoned.
- 13.** (1) Where summons are served by way of electronic mail, service shall be deemed to have been made if the service provider generates acknowledgement of the delivery.

(2) When any summon is sent to a person or organization on disclosed electronic mail address, unless the delivery of the electronic mail is disrupted or bounced back for any reason whatsoever, the delivery shall be deemed to be effected; and unless the contrary is proved, be deemed to have been effected at the time at which the electronic mail would be delivered.

14. (1) Where summons are served by way of any other electronic communication including messaging application, acknowledgment shall form part of the report of the service and the report shall contain details including mobile number, messaging application and screenshot/photo of the application reflecting delivery of the communication.

(2) Such delivery may be deemed to be due service of summons/process and a copy of such summons/process along with report of service shall be kept in record as a proof of service of summons/process.

Explanation - Acknowledgement under this Rule or under Rule 14 include

an acknowledgement given by-

- (a) any communication by the addressee, automated or otherwise; or
- (b) any conduct of the addressee, sufficient to indicate to the originator that the electronic record has been received.

15. In case verified details of the email address, phone number or messaging application relating to the person summoned are not available, the officer-in-charge of the police station or any police officer deputed shall make an entry in that regard and after taking printout in duplicate of the summons issued in electronic mode, shall execute the same in accordance with procedure prescribed under the Sanhita.

16. When summons are not served by an electronic mail or other mode of electronic communication, or delivery is disrupted and undelivered or bounced back for any other reason, the concerned officer shall prepare a report in that regard containing all details including mobile number, messaging application and screenshot/photo of the application confirmation of delivery and may proceed as per applicable process.

- 17.** In case of warrant to any other process required to be served in person is issued in electronic mode, the officer-in-charge of the police station or any police officer deputed by him shall take a printout of the warrant or process and execute the same in accordance with the Sanhita and rules made therein.
- 18.** Where any process is served or executed other than through electronic mode, the Police Officer while making service or executing the process shall take acknowledgement of the Recipient and may capture photographs, which shall form part of the report of the service.
- 19.** Upon due service or non-service of the warrant, the serving officer of the concerned Police Station shall transmit the service along with relevant documents including bail bonds, photographs, acknowledgment, if any, to the concerned Court in electronic form through CCTNS/NSTEP.
- 20.** The Court, upon receiving the report in electronic form under rule 19, may act upon such report as deemed appropriate. Such report or printout of such report shall be deemed to be original for the purpose of satisfaction as the service/ execution of the process.
- 21.** Where any process is issued in cases relating to offences under Sections 64 to 71 of the Bharatiya Nyaya Sanhita (Act No.45 of 2023) or offences against woman or child or offences under the Protection of Children from Sexual Offences Act, 2012 and Juvenile Justice (Care and Protection of Children) Act, 2015, the concerned officer shall ensure that the identity of the victim is not revealed in any manner in course of service or execution.
- 22.** Any rule made in this behalf shall be in addition to, not in derogation of, any other law or rules made by the High Court to specify for the time being in force for issuance, service and execution of process by the Court.

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