

Streamlining civil litigation: Guidelines from SC

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In a landmark decision aimed at accelerating civil trials in India, the Supreme Court (SC), in *Yashpal Jain vs Sushila Devi*, has introduced a set of comprehensive guidelines to streamline and expedite the country's lengthy and cumbersome legal processes. These guidelines, if implemented well, would enable quicker and more efficient resolution of civil disputes.

All district and taluk level courts are now tasked with ensuring that summons are delivered, written statements and pleadings are filed, without undue delay. If a litigant seeks an adjournment, the necessity of it must be demonstrated to avoid the imposition of costs. To further

minimise requests for adjournments, trial dates are to be fixed in consultation with advocates and proceedings are expected to continue on a day-to-day basis, ensuring a more consistent and efficient trial process.

One of the most significant shifts introduced by the guidelines is the emphasis on Alternative Dispute Resolution (ADR). After the completion of pleadings, parties would be encouraged to opt for ADR methods such as arbitration, conciliation, judicial settlement and mediation. If parties opt not to engage in ADR, the courts are asked to frame the issues for determination within one week. This is aimed at enhancing transparency and ensuring that proceedings move forward without delay.

To improve caseload manage-



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ment, judicial officers have been instructed to maintain diaries to ensure that only manageable number of cases are handled each day to prevent overcrowding and to reduce the need for adjournments.

For better compliance of the directives, the SC has directed the creation of a two-tier monitoring

mechanism, first at the trial courts and also at the respective High Courts (HC).

The apex court, in an attempt to address the backlog of pending cases, has directed the district-level courts to share statistics on cases pending for more than five years with the respective HCs. This continuous monitoring is to be supplemented with corrective measures regularly.

From a socio-economic perspective, the proper implementation of the SC's guidelines holds the potential to make substantial improvements in the ease of doing business and the enforceability of contracts within India. Delays in the dispute resolution can increase the costs and uncertainty associated with commercial activities. However, with the new guidelines, businesses

can expect quicker resolution of their disputes fostering a more business-friendly environment.

The guidelines represent a comprehensive and ambitious effort to expedite civil trials in India. By addressing delays, reducing adjournments, promoting ADR and improving case management, the directives aim to transform the Indian legal landscape. Notably, in 2021, the Supreme Court in *Rahul S Shah vs Jindendra Kumar Gandhi* rendered a slew of directions for quicker execution of decrees. With the two sets of guidelines in place, the district judiciary is well-guided on the efficient and effective conduct of the legal proceedings covering the complete lifecycle of a civil suit.

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