

**DIVISIONAL JUDICIAL SEMINAR  
FOR  
DURG DIVISION  
ON APRIL 11<sup>TH</sup>, 2026**

Topic: Expediting execution-Strategies for speedy disposal with special reference to Periyammal (dead) through Legal Representatives and others vs. Rajamani and another (Civil Appeal Nos. 3640-3642 of 2025 (arising out of SLP(c) Nos. 8490-8492 of 2020) and overcoming execution hurdles.

UNDER THE VALUABLE GUIDANCE  
OF  
RESPECTED PRINCIPAL DISTRICT & SESSIONS JUDGE

BY:  
**DISTRICT BEMETARA JUDGESHIP**

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## **PROLOGUE**

Our Indian Constitution guaranteed Constitutional right of Speedy Trial under Article 21. But let us all think about the situation in which a court has disposed the civil suit in speedy manner but the decree holder is not able to get the relief enlisted in that decree for years”. In the realm of civil legislation, the execution of a decree is a critical phase where the rights established by a court’s judgment are brought into reality.

The litigation consists of three stages, initiation of litigation, adjudication of litigation and implementation of litigation. The last stage of litigation, that is the implementation of litigation is known as an **Execution**. Once the decree or the judgment passed by the court, it is the obligation of the person against whom the judgment is passed ( judgment-debtor), to give effect to the decree so as to enable the decree-holder to enjoy the benefits of the judgment.

So indeed we all can say that “justice merely on a piece of paper also lead to denial of justice only”. ***We must always acknowledge this fact that as a judge we have power to adjudicate and pronounce judgments and decrees , and as administrators we need to focus on the execution of the reliefs given to the decree holder.. It is well said that-***

**GREATER IS THE POWER,**

**BIGGER IS THE RESPONSIBILITY.**

## 1. INTRODUCTION

Execution is the most important aspect of Civil Justice system. The success or failure of civil justice system depends on the rate of success in executing the decrees of civil courts.

### What is Execution ?

Execution is the last stage of any civil litigation. It is a medium by which a decree holder compels a judgment debtor to carry out the mandate of the decree. It enables a decree holder to recover the fruits of the judgment.

Legislature has drafted and introduced an exhaustive and exemplary provisions for execution in Code of Civil Procedure 1908. **Order XXI provides as many as 106 rules and section 36-74 in Code of Civil Procedure** deals with the execution.

The execution of decree is not merely a mechanical extension of adjudication but the very culmination of justice delivery. A decree without effective execution is nothing more than a paper order. The Hon'ble Supreme Court in *Periyammal v/s Rajamani CIVIL APPEAL NO. 3640-3642 OF 2025* has underlined the deep-rooted systematic delays and procedural rigidities that often obstructs decree holders from enjoying the fruits of their hard earned judgments. It is now imperative that courts adopt a proactive and purposive approach to streamline execution proceedings, eliminate technical roadblocks and hold obstructive litigants accountable.

Delay arises in execution proceedings due to unnecessary adjournments. Hon'ble Apex Court in the case of *Gayatri v M. Girish SLP CC no. 14061 OF 2016* quoting passage from *Gita* in respect of and for guidance of trial courts, regarding grant of adjournments on mere asking that **“Awake! Arise! Oh Partha”**. Hon'ble court held that virus of seeking adjournment has to be controlled. So as to execution proceedings require attention.

## **2. MODES OF EXECUTION OF DIFFERENT KINDS OF DECREES(ORDER XXI)**

Section 51 of Code of Civil Procedure 1908 defines the jurisdiction and power of the court to enforce the execution. It enumerates the different modes in which the court may order execution of a decree.

2.1. A decree can be executed by the court which passed the judgment and decree or by some other court having competency to execute the judgment passed by the other court. **(section 38)**

### **2.2. Rule 30- Decree for payment of money.**

Every decree for payment of where the payment of money is substantive or alternative relief may be executed either by-

- detention of judgment debtor in civil prison or
- by attachment and sale of his property or both.

### **2.3. Rule 31- Decree for specific movable property.**

Every decree for specific movable property or any share of it can be executed by-

- actual seizure and delivery to the decree holder or
- any person he appoints to receive or
- detention of judgment debtor in civil prison or
- attachment of his property or both.

If attachment of movable property is done and such property remained attached for 3 months and the judgment debtor has not obeyed the decree, on application of decree holder such property may be sold.

Out of the sale proceeds the court may award the amount decreed in alternative to delivery of possession of such property or such compensation court may think fit and pay the balance to the judgment debtor on his application.

In case the judgment debtor has obeyed the decree and paid all cost of executing the same or at the end of 3 months no application is made by the decree holder or if made is refused, such attachment shall cease.

## **2. 4.Rule 35 - Decree for immovable property.**

Possession of immovable property shall be delivered to the decree holder or any person he appoints to receive and if necessary by removing a person bound by the decree refusing to vacate them.

**Where the decree is for joint possession of immovable property -**  
such possession shall be delivered by affixing the copy of warrant in

some conspicuous part of the property and proclaiming the substance of the decree.

**Where possession of any building or enclosure is to be delivered-** if the person in possession being bound by the decree does not afford free access the court through its officers may after giving reasonable opportunity to any women not appearing in public to withdraw herself, may open any lock and do necessary act to put the decree holder in possession.

**2. 5.Rule 36- Where the decree is for delivery of immovable property in possession of tenant or any person entitled to occupy-** if they are not bound by decree to relinquish the possession the possession shall be delivered by affixing the copy of warrant in some conspicuous part of the property and proclaiming the substance of the decree.

**2.6. Rule 32 - modes of execution of decree for specific performance for restitution of conjugal rights or for an injunction.-** for decrees relating to restitution of conjugal rights property can be attachment and for decrees for injunction attachment of property or arrest and detention of judgment debtor or both.

**2.7. Rule 34- decree relating to execution of document or endorsement of negotiable instrument-** decree holder may prepare the draft of the document and submit in court for its execution .

**2.8. Execution of a Motor Accident Claims Tribunal Decree-** Compensation awarded to accident victims are recovered by filling an

execution petition under **Order XXI of Code of Civil Procedure** before the tribunal that passed the award to recover dues from the insurance company or vehicle owner through attachment of assets or property sale.

Court may make following order-

- attachment of insurance company's assets or the owner's vehicle and it's sale to satisfy the award.
- A certificate may be issued for recovery of arrears.
- Debtor may be arrested and detained.

**2.9. Execution of a Specific Performance Decree-** Court may compel the performance – (**Order XXI Rule 32**)

- by execution of sale deed by the judgment debtor or by appointing a court officer to sign on their behalf and delivery of possession.
- Arrest or detention
- By attachment and sale of judgment debtor's property.

**2.10. Execution of Family court decree-** Family Court's decree can also be executed through the procedure enlisted in Code of Civil Procedure for execution. The court may execute in any of the following manner-

- By directing the delivery of possession of movable or immovable property.
- Attaching and selling of property.
- Arrest and detention

- Appointing the receiver to manage the funds.

### **3. EXECUTION BY ATTACHMENT AND SALE( Section 60-64 & O.XXI R.41-57)**

#### **3-1 ATTACHMENT OF PROPERTY**

The code of civil procedure provides for the execution of decree by-

- **attachment and sale of property and**
- **sale of property without attachment.**

The purpose of attachment of property as a mode of execution is to compel the Judgment debtor through deterrence to comply with the decree and to make them liable to the penalty if they do not comply with the mandate of the decree.

**From section 60-64 and Order XXI Rules 41-57** deals with the provisions relating to the subject of attachment of property. The code enlisted the kinds of properties which can and cannot be attachment.

Attachment of properties can be done through any of the manner mentioned below-

- ➔ Seizure of property.
- ➔ Prohibiting Judgment Debtor or other person from dealing with the property.
- ➔ Charging the debtor's interest in the property.

## **CAUTIONS BEFORE ORDERING ATTACHMENT OF PROPERTY.**

Courts need to be cautious about certain facts before a making order for attachment of properties in the execution proceedings-

1. **Firstly**, it has to be seen whether the judgment debtor has the ownership of any property.
2. **Secondly**, the court must satisfy whether the judgment debtor has the attachable interest in the property.
3. **Thirdly**, whether the property of the judgment debtor is liable to attachment.
4. **Fourthly**, whether the property comes in the category of the properties enlisted in section 60 and hence not liable to be attached.
5. **At last**, for safer side section 60 must have been mentioned in the attachment order with a caution that the properties of judgment debtor coming in category of section 60 should not be attached.

### **3.2 SALE OF PROPERTY**

**Section 65-73 and Order XXI Rules 64-94 of Code of Civil Procedure** deals with the subject relating to the sale of movable and immovable properties.

Any attached property can be sold by the executing court through the public auction and the proceeds of the sale is paid to the decree holder

in satisfaction to the decree amount. The court shall issue a notice for appearance of both the parties for drawing proclamation of sale notice.

**The proclamation must contain essentials regarding sales such as-**

- time and place of sale.
- Descriptions of properties to be sold.
- Revenue assessed on the property to be sold, if due.
- Any encumbrances to which the property is liable.
- Decreed amount.
- Estimate value of the property assessed by the court.

**PROCEDURE FOR SALE .**

1. Court shall summon any person and demand documents required in drawing the proclamation. After that, court shall order the Nazir for service of the proclamation. A copy of the same shall be affixed in the conspicuous part of the property to be sold and of the court. A report shall be prepared by the Nazir after completing the procedure and provide the same to the executing court.

2. The court shall issue a warrant of sale order in the name of the bailiff to publicly auction the property and report back to the executing court with an endorsement certifying the manner in which sale has been execute or the reason why the same has not been executed.

3. The court or the officer conducting the sale may adjourn the same after recording the reasons.
4. may be adjourned when bid amount is not adequate or purchaser fails to pay 25 percent of bid amount immediately on closing of bid.
5. If Judgment Debtor satisfy the court that he may raise the decreed amount through mortgage, sale or lease of any property.
6. The sale will become absolute only after confirmation of the court.

### **CAUTION BEFORE ORDERING SALE OF PROPERTY.**

Courts need to be cautious about certain facts before a making order for Sale of properties in the execution proceedings-

1. **Firstly**, what is the decreed amount.
2. **Secondly**, only those portion of the property must be sold which are necessary to satisfy the decree.

### **4. EXECUTION BY ARREST AND DETENTION**

**Section 51-59 and Order XXI Rule 30-40** deals with the provisions relating to the arrest and detention as a mode of execution of decree.

A judgment debtor may be arrested in execution of any decree on any day at any hour under following conditions-

1. Must be brought before the court after arrest, as soon as possible.
2. No dwelling house to be entered after sunset and sunrise.

3. No outer door of the dwelling house must be broken unless the house is in possession of the judgment debtor and he refuses to open the door.

4. Reasonable time must be given to a woman to withdraw herself if she is barred by custom to come in public.

5. If arrest is being made for execution of decree for payment of money, if the debtor pays decreed amount he must be released at once.

### **CAUTION BEFORE ORDERING ARREST AND DETENTION.-**

Execution Courts need to be cautious about certain facts before a making order for Arrest and Detention in the execution proceedings-

1. **Firstly**, before issuing arrest warrant a notice must have been sent to the judgment debtor giving him an opportunity to explain for not complying with the court's order.

2 **Secondly**, Judgment debtor must not be arrested if decreed amount along with the interest and cost already paid.

3. **Thirdly**, opportunity must be given to judgment debtor to explain why he should not be arrested.

4. **Fourthly**, Judgment debtor must not be arrested until the decree holder pays the subsistence allowance according to the scale under section 57.

5. **Fifthly**, no women shall be arrested if the decree is for payment of money.

### **5. TRANSFER OF DECREE.**

Transfer of decree under Code of Civil Procedure 1908 is governed primarily by Section 39,40, 41 and Order XXI . These provisions allows the court passing the decree to transfer the same to another competent court for due execution.

Such situations usually occurs when-

- Judgment-debtor actually and voluntarily resides or carries on business or personally works for gain in the local jurisdiction of another court.
- If the Judgment-debtor has no property within the local jurisdiction of the court passing the decree sufficient to satisfy the decree and has property situated in the jurisdiction of another court.
- If decree directs the Sale or delivery of immovable property situated outside the local jurisdiction of the court passing the decree.

The court of first instance may transfer a decree-

- upon the application of the Decree-holder or,
- Suo-moto i.e. on its own motion

**Order XXI Rule 5 and 6** provides that the transferring court must send a copy of the decree, a Certificate of Non-Satisfaction or partial - satisfaction and any existing execution order to the transferee court.

The receiving court holds the same power to execute the decree as if it has passed the decree itself. **(Section 42)**

## **6. QUESTIONS TO BE DETERMINED BY THE EXECUTING COURT.**

**Section 47 of the Code of Civil Procedure 1908** mandates that all questions related to execution, discharge, satisfaction of decree must be determined by the executing court and not by a separate suit.

Primary aim of this provision is to prevent prolonged litigation by requiring parties to settle disputes within the same proceedings. The scope of Section 47 is large enough to cover the questions between the parties or their representatives.

**Limitation of Executing Court:** The executing court cannot go beyond the decree or challenge its legality.

The Hon'ble Supreme Court in the landmark case of **Rahul S. Shah v. Jitendra Kumar Gandhi (2021) 6 SCC 418** has emphasized the need for efficient enforcement of Section 47 and that this provision should not be used to delay the proceedings.

From above discussion we have analyzed the exhaustive provisions relating to the execution proceedings. But in spite of these exhaustive provisions still we are dealing with huge pendency of the execution proceedings. At present we have **approximately 10859 execution proceedings pending in State of Chhattisgarh.**

Due to huge pendency, Hon'ble Supreme Court has passed the mandatory directions for proper disposal of execution cases. In the same

line, Hon'ble Supreme Court has given a landmark judgment of ***Periyammal v/s Rajamani CIVIL APPEAL NO. 3640-3642 OF 2025.***

## **7. OVERVIEW ON PERIYAMMAL CASE**

Hon'ble Supreme Court in ***Periyammal (Dead) through LRs & Ors.***

***V. Rajamani & Anr. Etc. CIVIL APPEAL NO. 3640-3642 OF 2025***

observed that “*The seeker of justice many a time has to take long circuitous routes, both on account of hierarchy of courts and the procedural law. Such persons are and can be dragged till the last ladder of the said hierarchy for receiving justice but even here he only breathes fear of receiving the fruits of that justice for which he has been aspiring to receive. To reach this stage is in itself an achievement and satisfaction...by then has passed through a long arduous journey of the procedural law .....When he is ready to take the bite of that fruit, he has to pass through the same terrain of the procedural law in the execution proceedings...When he is ready to take the bite of that fruit, he has to pass through the same terrain of the procedural law in the execution proceedings....How to eliminate such a long consuming justice? .....Similarly, legislatures equally are also endeavouring by amendments to achieve the same objective.....Any interpretation which eludes or frustrates the recipient of justice is not to be followed.*” ***Shreenath & Anr. v. Rajesh & Ors. reported in (1998) 4 SCC 543***

In the case of ***Rahul S. Shah v. Jinendra Kumar Gandhi 2021 SCC On Line SC 341***, Hon'ble Supreme Court noticed that “Remedies

provided for preventing injustice are actually being misused to cause injustice, by preventing a timely implementation of orders and execution of decrees” This reflects the troubles of decree holders who are not being able to enjoy the fruits of litigation on account of inordinate delay caused during the process of execution of decree.

The case of *Periyammal (Dead) through LRs & Ors. vs. V. Rajamani & Anr. Etc. CIVIL APPEAL NO. 3640-3642 OF 2025* involves **specific performance of a sale agreement** related to a property and its subsequent **execution decree**. The case traces the journey of a suit originally filed by **Ayyavoo Udayar** against the vendors along with respondent no. 01 & 02 who are daughter and son of vendor’s sister for specific performance of a sale agreement. The suit was decreed in favour of **Ayyavoo Udayar**, which was affirmed by Hon’ble High Court and Hon’ble Supreme Court directing the vendors to execute the sale deed and deliver possession of the property.

Thereafter, the appellants filed execution petitions to enforce the judgment. The execution process was halted when respondents filed an application under **Section 47 of Code of Civil Procedure** and obstructed the execution by claiming the following:

- **Lack of Notice-** The respondents argued they were never served with a notice regarding execution proceedings.
- **Deletion of Names-** They contended that decree was not binding upon them because their names had been deleted from sale deed.

- **Continuous Possession-** They asserted they were already in possession of the property and had no prior knowledge of the execution petitions filed by appellants to enforce the judgment.

The executing court upheld the respondents' objections, concluding that appellants had :

- **failed to establish their possession of the property.**
- **not made a proper claim against the respondents in their original execution petition.**
- **lack of notice to the respondents and the resulting need for them to be given a fair chance to defend their rights.**

The Supreme Court found that the lower courts had erred in their assessments and observed that:

- **Procedural Injustice-** Execution of a Decree is delayed by procedural hurdles and “dishonest tactics”
- **Execution Orders-** The executing Court to ensure that vacant and peaceful possession of the suit property is handed over to the appellants within 2 months with police assistance if necessary.
- **Collusion & Lack of Notice** – Respondents was not bonafide but indicated collusion with vendors.

The Court also delved into the statutory scheme governing execution proceedings, particularly the interplay between Section 47 CPC and Order XXI Rules 97 to 101 Code of Civil procedure and observed that :

- **Executing Court Competence-** The executing Court has the authority to decide all questions relating to execution, discharge, or

satisfaction of the decree including questions concerning possession, without requiring new litigation.

- **Procedural Rules-** The Court criticised the the technical approach adopted by the High Court, particularly its refusal to allow amendments in the execution petition, emphasising the procedural laws should be interpreted in a manner that facilitates justice rather than obstructs it.
- **Delaying Tactics-** Respondents delayed by not asserting their rights in a timely manner and only attempting to obstruct execution at final stage.
- **Finality of Decree-** The Court reiterated that execution proceedings should not be used to re-litigate issues already settled by a final decree.
- **Disapproval of Delay-** Strong disapproval was expressed regarding the inordinate delay in execution proceedings.

In view of aforesaid observations, the Hon'ble **Supreme Court has issued directions to all courts that execution proceedings must be completed within 6 months from the date of institution.**

## **8. PRINCIPLES LAID DOWN IN RAHUL S. SHAH v. JINENDRA KUMAR GANDHI**

In order to expedite execution proceedings, the Hon'ble Supreme Court, in the case of *Rahul S. Shah v. Jinendra Kumar Gandhi 2021 SCC OnLine SC 341*, has laid down significant guidelines aimed at streamlining the execution proceeding and ensuring timely enforcement of decrees, which are mentioned hereinafter:

*“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 Code of Civil Procedure, 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 Code of Civil Procedure, demand security to ensure satisfaction of any decree.*

*42.8. The court exercising jurisdiction under Section 47 or under Order 21 Code of Civil Procedure, 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 Code of Civil Procedure 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.”*

## **9. CHALLENGES AND CORRECTIVES**

The execution of a civil decree is often described as the most challenging stage of litigation, where the “real battle” begins after a judgment is passed. Despite legal provisions aimed at speedy disposal, numerous hurdles delay or prevent decree-holders from reaping the fruits of their victory.

### **9.1 Frivolous Objections (Section 47 & Order 21)**

- **Judgment Debtors:** Frequently filing repetitive or meritless objections under Section 47 of Code of Civil Procedure to delay the process.
- **Third-Party Obstruction:** Strangers to the suit may claim independent rights, title, or interest in the property under **Order 21 Rules 97 and 99**, forcing the court to adjudicate these claims as if they were a new suit.

### **9.2. Asset Concealment and Tracing**

- **Relocation:** Individual debtors may move to different jurisdictions or states, requiring the Decree Holder (DH) to obtain transfer certificates and engage new counsel in those areas.
- **Defunct Entities:** Directors of private limited companies often render the company "asset-less" or defunct by the time a decree is passed, making recovery nearly impossible as the "corporate veil" is rarely pierced.

### 9.3. Statutory Restrictions on Attachment (Section 60)

- **Exempt Assets:** Certain properties are legally exempt from attachment, including basic necessities (wearing apparel, cooking vessels, bedding), tools of artisans, and a single dwelling house of the debtor.
- **Salary Limits:** Only a portion of a salaried debtor's income can be attached (typically excluding the first ₹400 and two-thirds of the remainder), and this attachment is subject to strict time limits

### 9.4. Procedural and Administrative Delays

- **Auction Inefficiencies:** The court auction process for selling attached assets is complex, time-consuming, and requires the DH to bear additional expenses for advertisements and fees.
- **Service Issues:** Delays in serving mandatory notices (like the **Order 21 Rule 22** notice for decrees over 2 years old) or executing warrants due to lack of cooperation from local authorities.
- **Proof of Breach:** For certain types of decrees (like compromise or mandatory injunctions), the DH bears a heavy burden of proving a

specific breach through "clear and convincing evidence" before execution can proceed.

These challenges regarding execution of decrees and their corresponding solutions were extensively addressed in the landmark decisions of *Periyammal (Dead Thr. Lrs.) & Ors. Vs. V. Rajamani & Anr. 2025 CIVIL APPEAL NO. 3640-3642 OF 2025* and *Rahul S. Shah v. Jinendra Kumar Gandhi 2021 SCC OnLine SC 341* , as well as in recent directions from the **Hon'ble High Court of Chhattisgarh**. A concise principle emerging from this collective jurisprudence is that execution proceedings must not be treated as a fresh suit; rather, decree must be enforced promptly, objections should be limited, and delay must not defeat justice.

## **10.PRACTICE DIRECTIONS ISSUED BY HON'BLE HIGH COURT OF CHHATTISGARH**

In compliance of the direction of Hon'ble Supreme Court issued in order dated 16.10.2025 passed in Miscellaneous Application Nos. 1889-1891/2025 in C.A. Nos. 3640-3642/2025 titled *Periyammal (Dead Thr. Lrs.) & Ors. Vs. V. Rajamani & Anr.* " *CIVIL APPEAL NO. 3640-3642 OF 2025*, our own Hon'ble High Court of Chhattisgarh has issued below mentioned **Practice Directions No. 3865/(SCMS) Bilaspur, Dated 28<sup>th</sup> Feb, 2026** for strict compliance to all the Court of District Judiciary in the State of Chhattisgarh dealing with execution proceedings for effective

and expeditious disposal of the execution petitions which are pending as on date:—

### **1. Priority to Execution Proceedings**

- All courts shall treat execution cases as **priority matters**. Decree-holders are entitled to realization of their legal rights without undue delay, and execution proceedings must not be allowed to linger unnecessarily.

### **2. Identification and Time-bound Disposal**

- All execution cases shall be identified and physically verified.
- All execution cases shall be given priority and disposed of, as early as possible. Fresh execution petitions shall be disposed of within **6 months** from the date of filing. In this regard all executing court shall strictly follow earlier **circular No. 8511/(SCMS) Bilaspur, dated 03/05/2025**.

### **3. Monthly Review, Training, Monitoring and Capacity Building**

- The Principal District Judge shall review, on a monthly basis, the pendency and progress of execution cases in every court within the district.
- The Principal District Judge shall every month call for information from the District Nazir/Naib Nazir regarding the attachment/possession. Warrants issued during the month and ensure necessary measures are taken to reduce the number of not complied warrants.

- Training shall cover topics such as prompt service of processes, legal procedure of attachment and auction of property, preparation of punchnama, coordination with police and revenue officials, use of CIS/NJDG modules, and maintenance of execution registers.
- Principal District Judges shall ensure periodic refresher sessions and evaluation of staff performance in execution matters.

#### **4. Expeditious Process and Enforcement**

- Warrants of attachment, sale, or arrest shall be issued promptly and followed up diligently.
- Service of notices and warrants shall be expedited through available modes wherever feasible.

#### **5. Disposal of Objections and Miscellaneous Application**

- Objections under Section 47 Code of Civil Procedure or other interlocutory applications shall be disposed of expeditiously.
- Frivolous or dilatory tactics by judgment-debtors shall be firmly dealt with as per law.

#### **6. Use of Technology and Transparency**

- Judicial Officers shall make optimum use of **CIS / NJDG platforms** for tracking progress and pendency of execution cases.
- As per rules Video conferencing may be utilized for hearing parties located outside the district or state, where appropriate.

#### **7. Compliance and Reporting**

- Principal District Judges shall ensure strict compliance with these directions and shall forward a compliance report within one month from the date of issuance of this Practice Directions

## **11. CONCLUSION**

**“Executio est finis et fructus legis”** A classic Latin maxim meaning “ Execution is the end and the fruit of the law.” It emphasizes that a judgment is meaningless unless it is effectively enforced. Hence, execution is the most important aspect of civil justice and therefore, success of the entire civil justice system depends on the rate of success in executing decrees.

The trouble of the decree holder begins after he obtains a decree. This observation often repeated by Hon’ble Courts highlights how judgment-debtors frequently use procedural loopholes to delay justice. But it is to be noted that procedural law exists to help achieve justice and not to defeat it on technical grounds. As observed by Hon’ble Supreme Court in *Periyammal (Dead) through LRs & Ors. vs. V. Rajamani & Anr. Etc. CIVIL APPEAL NO. 3640-3642 OF 2025* that procedural law is always subservient to and is in aid of justice and any interpretation which eludes or frustrates the recipient of justice is not to be followed.

Thus, the Court must adopt a proactive approach in facilitating and suggesting amicable solutions between the parties in consonance with the spirit and provisions of Code of Civil Procedure. The principles laid down in *Periyammal (Dead) through LRs & Ors. vs. V. Rajamani & Anr. Etc. CIVIL APPEAL NO. 3640-3642 OF 2025* and *Rahul S. Shah*

v. *Jinendra Kumar Gandhi 2021 SCC OnLine SC 341* provides a practical road-map to follow. The approach must shift from procedural formalism to substantial justice to achieve the objective of effective dispute resolution by reducing the burden of prolonged litigations. The decree granted should be a decree enforced- swiftly, effectively and justly.

**“The Man who passes the sentence should swing the sword”**

-By George R.R. Martin



Thank you