



From

Registrar General  
High Court of Uttarakhand  
Nainital.

To

All the District Judges,  
Principal Judge/  
Judges, Family Courts  
State Judiciary,  
Uttarakhand

C.L. No. <sup>20</sup> UHC/<sup>XVII-6</sup> /D.R.(I)/2014 dated: June 18, 2014

**Sub: Expeditious disposal of Execution Cases.**

Sir /Madam,

I have been directed to inform you that from the perusal of the statement pertaining to pendency of Execution Cases in Subordinate Judiciary, it has come to the notice of the Court that large number of execution cases are pending at different courts of the State Judiciary. The cases pertain to the years prior to the year 2008 and even to the years of 1970s and 1980s. The status of pendency of execution cases is not encouraging. The execution forms an important part in the litigation and even if the suit is decreed, the beneficial party is unable to reap the benefits of the decree till the decree is fully executed. With the pendency of execution cases for years, the decree in favour of the beneficial party becomes meaningless.

It is pertinent to mention that Rule 162 of the General Rules (Civil) provides for prompt disposal of execution cases. Similarly, circular letters from the year 1920 onwards are also directing for speedy disposal of execution cases. However, despite provisions in General Rules (Civil) and circular letters, the old execution cases are not getting disposed.

In this connection, Hon'ble Court has again issued following directions for ensuring speedy disposal of execution cases:

- A. Execution Cases should be appropriately listed in the Court Diary and the cases should be taken up by the Presiding Officer himself/herself.
- B. The Presiding Officers of the Courts should pay personal attention on the service of notice by publication and should themselves choose a suitable newspaper and not leave the choice to the executing clerk.



- C. Rule 162 of the General Rules (Civil) should be strictly followed and complied with by the Presiding Officers and the staff dealing execution cases.
- D. The District Judges should specifically check the disposal of execution cases at the time of inspection and monthly meeting and also at the time of recording of Annual Confidential Remarks.
- E. Subordinate Courts should send a list of stayed execution cases to the concerned Superior Court within 15 days. The Superior Court should also dispose of the matter pending before it and ensure that proceeding of execution cases are not withheld without any just and valid reason.
- F. The execution cases upto to the year 2009 should be disposed on or before 31<sup>st</sup> March, 2015.
- G. District Judge should organize short sessions for the Civil Judge (S.D.) and Civil Judge (J.D.) on the subject of execution and may take assistance of retired Senior Judicial Officers or Senior Advocates. The District Judges must assist the subordinate officers in the disposal of execution cases.

You are informed accordingly for strict compliance of the above directions.

Yours faithfully,

*Mushnair*  
(D.P. Gairola)

2760

No. UHC/ /D.R.(1)/2014

dated: June 18, 2014

1. Director, Uttarakhand Judicial and Legal Academy, Bhowali, Nainital.
2. Officer-in-charge, NIC, High Court.
3. Guard File.

*Mushnair*  
18/6/2014  
Registrar General

014