



DAILY EDITORIAL ANALYSIS

TOPIC

**MASSIVE PENDENCY OF
EXECUTION PETITIONS IN LOWER
JUDICIARY**

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MASSIVE PENDENCY OF EXECUTION PETITIONS IN LOWER JUDICIARY

Context

- Recent Supreme Court data reveals that **over 8.82 lakh execution petitions are pending** across district courts nationwide, 3.38 lakh new petitions were filed in just six months, calling the situation 'highly disappointing' and 'alarming'.

About the Execution Petitions

- It is a **legal application** filed by a decree-holder — a person who has won a civil case — **to enforce the court's judgment**, like:
 - Recovering a monetary award;
 - Taking possession of property;
 - Enforcing an injunction or specific performance;
- It is governed by **Order XXI of the Code of Civil Procedure, 1908**, which outlines the procedures for executing various types of decrees.
 - It is supposed to be the final and most straightforward stage of litigation.
- The **lower courts** are responsible for processing these petitions, but they often become mired in procedural delays and resistance from judgment-debtors.

Why Does This Matter?

- The pendency of execution petitions undermines public faith in the judiciary. For litigants, it means:
 - Continued financial and emotional strain.
 - No closure despite winning a case.
 - A perception that justice is inaccessible or ineffective.

Why Execution Petitions Are Stuck?

- Delays Built Into Procedure:** The **Civil Procedure Code (CPC)** mandates several steps — issuing notices, hearing objections, and providing multiple opportunities to the losing party — all of which stretch over months or even years.
- Data from the NJDG:** According to the **National Judicial Data Grid (NJDG)**:
 - An average **civil suit** takes **4.91 years** to conclude.
 - An **execution petition** takes another **3.97 years**.
 - Nearly **47.2%** of pending execution cases were filed **before 2020**.
- Top Reasons for Delay:**
 - Counsel not available: **38.9%**
 - Stay by another court: **17%**
 - Awaiting documents: **12%**

Other Reasons For Delay

- Low Priority:** Execution petitions are often treated as administrative rather than judicial matters, leading to deprioritization.
- Procedural Complexities:** The process involves multiple steps—notice issuance, objections, attachment of property, and sometimes police assistance.
- Resistance from Judgment Debtors:** Many use legal tactics to delay compliance, including filing frivolous objections or appeals.
- Lack of Monitoring:** Until recently, there was minimal oversight on how long execution petitions remained pending.

Key Efforts in Reducing Execution Petitions

- Supreme Court's Past Efforts:** It has previously intervened to fix delays in execution proceedings.

- ♦ In **2021**, a three-judge bench led by then **CJI SA Bobde** issued **14 mandatory directions** to trial courts, including a **six-month deadline** for disposing of execution matters.
- ♦ In **March 2025**, while hearing a decades-old property dispute, the current bench directed all **High Courts** to **collect and monitor district-level data** on pending executions and ensure their disposal within six months.
- ♦ The Supreme Court has granted **six more months** to all High Courts to expedite disposal, and directed the **Registrar General of the Karnataka High Court** to explain non-compliance with earlier orders.
- **Legal Reforms:** The **Law Commission of India**, in its **14th Report**, had recommended reforms to streamline execution proceedings.
 - ♦ It led to **amendments in the CPC in 1976**, allowing executing courts to adjudicate all related questions, including those of title, within the same proceedings — eliminating the need for separate suits.
- **Policy Recommendations:** Dedicated execution benches in civil courts;
 - ♦ Digitization and tracking of execution cases;
 - ♦ Strict timelines and performance audits for judicial officers;

Conclusion

- The backlog of execution petitions exposes a deep structural flaw in India's judicial machinery.
 - ♦ Litigants often wait years to receive the fruits of justice, despite winning in court.
- The Supreme Court's strong words — describing this as a '*travesty of justice*' — serve as a call for systemic reform, improved judicial data systems, and a renewed commitment to ensuring that justice delivered on paper translates into justice in practice.

Source: IE

Daily Mains Practice Question

[Q] Discuss the causes and consequences of the massive pendency of execution petitions in India's lower judiciary. How does this delay impact the delivery of justice, and what reforms could address this systemic issue?

