FROM DISPOSAL TO EFFECTIVE RELIEF: CIVIL DECREE EXECUTION IN INDIA

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ABSTRACT

Winning a civil case does not always mean a person receives the relief the court orders. A decree may require payment of money, delivery of property or compliance with an injunction, but the decree-holder may still have to approach the court for execution. This article explains the relevant provisions of the Code of Civil Procedure, 1908 (CPC). It examines the Supreme Court's directions in Rahul S Shah v Jinendra Kumar Gandhi and Periyammal v V Rajamani. It considers whether a six-month disposal target, although intended to reduce delay, could create an incentive to close execution petitions without sufficient attention to whether relief has been obtained. The available figures do not establish that this is occurring, but they do not reveal the outcome for decree-holders either. Drawing on Law Commission reports and a recent study of execution applications before the Bombay High Court, the article argues that disposal figures should be accompanied by the current stage of each older case, the main reason for delay and the next lawful step. This would make monitoring more useful while recognising settlements, valid stays and genuine third-party claims.

Keywords: Civil Decree, Execution Proceedings, Code of Civil Procedure, Periyammal, Decree Satisfaction, Judicial Delay, Disposal Targets.

INTRODUCTION

A person who wins a civil case expects the court's decision to make a real difference. For example, the court may direct another person to pay money, hand over property or follow an injunction. But the judgment does not always bring about that result by itself. If the losing party

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does not comply, the successful party may have to start execution proceedings under Part II and Order XXI of the Code of Civil Procedure, 1908 (CPC).[1]

This creates an important problem. A person may win a case after years of litigation and still have to spend more time trying to enforce the decree. The legal right has been recognised, but the relief may remain out of reach. Execution is therefore an important part of civil justice, not just a technical step that follows the main case.

The Supreme Court has recognised this problem in several decisions. In *Rahul S Shah v Jinendra Kumar Gandhi*, the Court issued directions intended to reduce unnecessary delay and said that execution proceedings should ordinarily be completed within six months, with reasons recorded if that period cannot be met.[2] In *Periyammal v V Rajamani*, the Court directed High Courts to collect information about execution cases and report on pendency and disposal. It has continued to examine this issue through later orders.[3]

This article examines a possible tension in the current approach. If courts and presiding officers are judged mainly by whether execution petitions are disposed of within six months, could this create pressure to close petitions without ensuring that the decree-holder has received relief? The available material does not prove that this is happening. However, research showing that many applications in a Bombay High Court sample were dismissed for non-prosecution makes it important to ask what disposal figures actually tell us. The article argues that reporting should show the stage of a case, the reason for delay and the next lawful step.

THE LEGAL FRAMEWORK FOR EXECUTION

The CPC provides several ways to enforce a decree. Sections 36–74 deal with general rules on execution, while Order XXI sets out detailed procedures. Section 38 explains which court may execute a decree. Section 47 provides that questions between the parties relating to execution, discharge or satisfaction of the decree are generally decided by the executing court. Section 51 sets out different methods of execution, including delivery of property, attachment and sale, and other methods permitted by law.

[1] Code of Civil Procedure 1908, pt II and Order XXI.
[2] *Rahul S Shah v Jinendra Kumar Gandhi* (2021) 6 SCC 418, paras 42.12 and 43.
[3] *Periyammal (Dead) through LRs v V Rajamani* 2025 INSC 329, paras 71–75 and 79.

The procedure depends on what the decree requires. If it orders payment of money, the court may need to identify the judgment-debtor's assets and decide whether they can be attached and sold. If it orders delivery of possession, there may be resistance at the property or a third party may claim a right to remain there. An injunction may raise a different problem if the person bound by it does not comply.

Order XXI also contains procedures to deal with these situations. Rule 41 allows the court to require information about a judgment-debtor's assets in appropriate cases. Rules 97–103 deal with claims and resistance relating to delivery of possession. These procedures can take time, but they also serve a purpose: execution must follow the law, and a genuine third-party claim cannot simply be ignored because the decree-holder wants quick enforcement.

For this reason, the time taken in every execution case cannot be judged in the same way. Some cases may be delayed because a necessary step has not been taken. Others may require the court to decide a real legal dispute or may be affected by a stay order. A useful system should help identify the difference rather than treating all pending cases as if they were stuck for the same reason.

THE SUPREME COURT'S DIRECTIONS

Rahul S Shah v Jinendra Kumar Gandhi: In Rahul S Shah, the Supreme Court issued directions to reduce avoidable delay in execution. Paragraph 42 addresses clear and executable decrees, repetitive objections, frivolous claims and police assistance where necessary. Paragraph 42.12 specifically says execution proceedings should be disposed of within six months from the date of filing, with any extension supported by written reasons. Paragraph 43 directed High Courts to update their execution rules within one year and use information technology to expedite the process.[4]

The six-month direction matters because it makes delay something that the court must notice and explain. Without such attention, an execution petition may remain pending for a long time without a clear account of what is preventing progress. The direction does not mean that every case can be completed within six months regardless of its circumstances. Rather, it sets an expectation of prompt action and requires the court to explain when more time is needed.

[4] *Rahul S Shah v Jinendra Kumar Gandhi* (n 2).

The Supreme Court returned to the same issue in Bhoj Raj Garg v Goyal Education and Welfare Society, stressing the need to follow the six-month direction and record reasons when the period cannot be met.[5] The order reiterated the direction in Rahul S Shah and stated that executing courts must make every effort to comply, recording written reasons when they cannot.[6] These decisions show that execution delay is not merely an administrative inconvenience. It affects whether a successful party can actually benefit from a court's judgment.

Periyammal v V Rajamani: Periyammal is important because the Supreme Court did not limit its attention to the facts of one dispute. In its judgment of 6 March 2025, it directed High Courts to collect information about execution petitions in district courts, issue directions aimed at disposal within six months, and report pendency and disposal figures. The Court also made presiding officers answerable on the administrative side for non-compliance with the directions and required High Courts to monitor implementation. [7]

The later orders show both progress and the size of the remaining problem. On 16 October 2025, the Supreme Court recorded that 338,685 execution petitions had been disposed of since the Court's March 2025 directions. It also recorded 882,578 petitions pending as of that date.[8] On 10 April 2026, the Court recorded 769,731 disposals since March 2025, while 795,981 petitions were more than six months old and remained pending. [9]

These figures suggest that a large number of cases have been dealt with, but they also show that many old petitions remain. The figures should be read carefully. A disposal figure tells us how many petitions have left the pending list during a period. It does not, by itself, tell us whether the relief under the decree was received. Similarly, a petition that remains pending may be delayed for different reasons, including a stay or an objection that needs a judicial decision. The same order shows that stays accounted for only a minority of pending petitions in the four States it identified: about 11.3% in Uttar Pradesh, 3.0% in Maharashtra, 3.6% in

[5] *Bhoj Raj Garg v Goyal Education and Welfare Society*, SLP (C) No 19654 of 2022 (Supreme Court of India, 18 November 2022), subsequently reported at (2025) 9 SCC 618, para 2.
[6] Ibid.
[7] *Periyammal (Dead) through LRs v V Rajamani* 2025 INSC 329 (n 3).
[8] *Periyammal (Dead) through LRs v V Rajamani*, MA Nos 1889–1891 of 2025 in CA Nos 3640–3642 of 2025 (Supreme Court of India, 16 October 2025).
[9] *Periyammal (Dead) through LRs v V Rajamani*, MA Nos 1889–1891 of 2025 in CA Nos 3640–3642 of 2025 (Supreme Court of India, 10 April 2026), paras 2–3.

West Bengal and 5.0% in Madhya Pradesh. Stays therefore explain part, but not most, of the reported pendency.[10]

The Court has also considered the idea of District Execution Cells. In its order of 25 May 2026, it invited High Courts to consider such cells under their supervisory jurisdiction, referring to the proposal in Chapter XII of the draft Commercial Courts Rules, 2021.[11] On 19 August 2026, the Court recorded that 13 High Courts had responded to its request for views on District Execution Cells. The Union's representative stated that necessary amendments had been recommended, a draft Amendment Act had been placed in the public domain, and objections were being considered before finalisation. The Court asked counsel to review the High Courts' reports and assist it further.[12] These were proposals and ongoing deliberations, not proof that a uniform system of execution cells was already operating across India. The Court's order of 24 September 2026 listed the matter for 7 October 2026 for further reports from the High Courts. As of 20 October 2026, I could not locate a publicly accessible order from the 7 October hearing.[13]

WHAT EARLIER REPORTS AND RECENT RESEARCH SHOW?

The idea of recording whether a decree has been satisfied is not new. The Law Commission of India's Fourteenth Report, published in 1958, discussed execution applications using categories such as satisfaction, partial satisfaction and proceedings that had become infructuous. It also warned that figures showing disposal did not always explain whether a decree had remained unsatisfied.[14]

The Law Commission's Seventy-seventh Report, published in 1978, addressed delay and arrears in trial courts more broadly. It is relevant background on the consequences of judicial delay, but it should not be treated as direct authority for a specific execution-satisfaction

[10] *Periyammal (Dead) through LRs v V Rajamani*, MA Nos 1889–1891 of 2025 in CA Nos 3640–3642 of 2025 (Supreme Court of India, 10 April 2026), para 4.
[11] *Periyammal (Dead) through LRs v V Rajamani*, MA Nos 1889–1891 of 2025 in CA Nos 3640–3642 of 2025 (Supreme Court of India, 25 May 2026), paras 4–8.
[12] *Periyammal (Dead) through LRs v V Rajamani*, MA Nos 1889–1891 of 2025 in CA Nos 3640–3642 of 2025 (Supreme Court of India, 19 August 2026), paras 13–16.
[13] *Periyammal (Dead) through LRs v V Rajamani*, MA Nos 1889–1891 of 2025 in CA Nos 3640–3642 of 2025 (Supreme Court of India, 24 September 2026), para 2.
[14] Law Commission of India, *Fourteenth Report: Reform of Judicial Administration* (1958) vol I, ch XVIII, "Execution of Decrees", paras 5–7.

reporting measure. The Fourteenth Report is the more directly relevant historical source for the discussion of execution.[15]

Recent research gives a more current picture of execution proceedings. A 2025 XKDR Forum working paper by Pavithra Manivannan, Gokul K Sunoj and Bhargavi Zaveri-Shah studied about 20,000 applications before the Bombay High Court over eight years. The authors reported that enforcement in their sample took close to two years and that many applications were dismissed for non-prosecution.[16]

This study is important, but its limits must be kept in mind. It concerns a particular court and a defined set of applications. Its findings should not automatically be treated as a national estimate. Also, the way an application ends does not always establish whether the decree as a whole has been satisfied. The study nevertheless shows why aggregate figures alone may not give a complete picture of execution.

The Supreme Court's monitoring and the available research point to a practical issue: courts need information that helps them understand what is happening in individual cases, not just totals for pending and disposed petitions. This does not mean that more data will automatically solve the problem. The information must be accurate and must help the relevant court or administrative authority decide what action is needed.

CAN A DISPOSAL TARGET CREATE THE WRONG INCENTIVE?

The six-month direction in Rahul S Shah is intended to prevent execution petitions from remaining pending without explanation. In Periyammal, the Supreme Court also made presiding officers answerable on the administrative side when the directions are not followed. These measures can encourage courts to take old cases seriously. But they raise a question: if the main measure is whether a petition has been disposed of, could pressure to meet the target encourage closure without enough attention to whether the decree-holder has received relief?

This is a concern worth testing, not a conclusion established by the available material. The Supreme Court's figures show how many petitions were disposed of and how many remained

[15] Law Commission of India, *Seventy-seventh Report: Delay and Arrears in Trial Courts* (1978) ch 1, para 1.1.
[16] Pavithra Manivannan, Gokul K Sunoj and Bhargavi Zaveri-Shah, *"What Comes after Judgement Day: A Survey of Decree Enforcement Proceedings in India"* (XKDR Forum Working Paper 46, December 2025) 1, available at <https://www.xkdr.org/paper/what-comes-after-judgement-day-a-survey-of-decree-enforcement-proceedings-in-india> accessed 20 October 2026.

pending, but they do not link each disposal to the result for the decree-holder. The XKDR Forum study found that many applications in its Bombay High Court sample were dismissed for non-prosecution. That does not establish that these dismissals were caused by the six-month direction or that the decrees remained unsatisfied. It does show why the mode of disposal matters and why a disposal total may be incomplete.

There are also good reasons not to treat every outcome short of full execution as failure. A case may end through settlement, withdrawal or payment outside court, and a valid stay or genuine third-party claim may prevent immediate action. The answer is not to replace a disposal target with a crude satisfaction target. Instead, disposal figures should be read alongside the reason for disposal and, where possible, whether the relief was obtained.

Targets influence what institutions pay attention to. If only the number of petitions disposed of is highlighted, the system may know that a case has ended without knowing whether the decree-holder obtained the ordered relief. That is a risk worth testing with better data, not proof that courts are deliberately closing cases to meet a target.

A MODEST AND PRACTICAL CHANGE

A practical first step would be to add three short fields to the existing case-management record for execution petitions: (1) current stage; (2) main reason the case has not progressed; and (3) next lawful step, with the person or office expected to take it. Where relevant, the record should also indicate whether a stay or genuine objection prevents action. If the National Judicial Data Grid can display or receive these fields through its current structure, they could support broader monitoring. This would require technical and administrative assessment; the article does not assume that the NJDG already contains these fields.

The purpose would be to help, not create another paperwork exercise. Court staff could update the stage when a meaningful procedural event occurs, while the presiding officer remains responsible for judicial decisions and reviewing cases that have not moved. High Court administrative committees could periodically check a sample of older cases to see whether entries are accurate and whether the next step was taken.

There are risks. Staff may enter generic reasons just to complete a field, courts may use categories inconsistently, and frequent updates may add to heavy workloads. The system should therefore use a short list of plain-language options with a small free-text field, update

records at existing hearings or procedural events, and avoid repeated entries when nothing has changed. Periodic sample checks would be more useful than treating a completed field as proof that the case has been handled properly.

This proposal has limits. It cannot locate assets that do not exist, remove a valid stay or decide a third-party claim in advance. Nor should staff be encouraged to close a petition simply to improve disposal figures. The aim is to make the reason for delay and the next step visible, so the case can be acted on where action is possible and the record explains where it is not.

CONCLUSION

A civil decree is important because it formally recognises the rights of the successful party. But the value of that decision depends in part on whether it can be enforced. The CPC provides several methods of execution, and the Supreme Court's decisions in Rahul S Shah and Periyammal show that courts are expected to take execution delay seriously.

The data collected after Periyammal show that many petitions have been disposed of, while a substantial number of old petitions remain pending. These figures are useful, but they should not be treated as a complete measure of whether decree-holders have received relief. An earlier Law Commission report and recent research also show why the manner in which execution petitions end needs careful attention.

A practical next step is to make reporting on old execution cases more informative. Alongside pendency and age, it should identify the current stage, the reason for delay and the next lawful step. This would not remove every obstacle, and it must not undermine judicial decisions or genuine claims. It would, however, give courts a clearer basis for deciding where attention is needed. The six-month target should remain a tool for prompt action, not a substitute for examining whether the decree-holder has obtained relief. Civil justice is not complete when a decree is only written; the process of enforcing it matters too.