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# Justice Hurried is better than Justice Delayed

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## Abstract

*White-collar One of the essential objectives of a civilized community is dispensation of justice and enforcement of rights. It challenges the notion that measures of justice lie solely in the time and cost incurred by parties to acquire their rights or redress grievances. The narrative emphasizes the delicate balance between the speed of delivery and the quality of justice, debunking the common confusion between speed and haste. Drawing on legal maxims, the paper argues that while justice delayed is justice denied, justice hurried is justice buried. It introduces a provocative axiom: 'Justice hurried is better than justice delayed.' The author asserts that the expeditious delivery of justice, when managed judiciously, is essential for the survival of the nation. Through vivid examples and insights from legal cases, the paper contends that the present legal system should prioritize speed without compromising on quality. It criticizes unnecessary delays, advocates for practical steps to expedite civil cases, and proposes a streamlined process for legal proceedings. The narrative underscores the need for timely justice as a cornerstone for a just and fair society.*

**Key Words:** Justice Delivery, Timely Dispute Resolution, Legal System, Expedited Justice, Legal Proceedings,

## Introduction

Dispensation of justice and enforcement of rights are the two chief objectives a civilized community is supposed to accomplish. Timely disposal of disputes and redressal of grievances are two sure signs of effective administration of justice. In modern states, the effectiveness of the justice system is measured by the time and cost it incurs a party, subject to it, to acquire its rights or redress its grievances. These indicators of justice have been incorporated as basic rights in the constitutions of most countries including our own under Article 9. Being the foremost duty of the state, any delay in this most vital service delivery reflects poorly on the performance of the state in general and its justice system in particular. However, this speed in delivery ought not to be at the cost of quality of the process and its results. General prudence advises against haste, and often this common wisdom prevents the judges from adopting due pace in the course of proceedings in a suit. Speed is widely confused with haste, and sloth with contemplation, which eventually results in hardships for the litigants and

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diminished credibility of the justice sector. It is of immense significance for a judge to know the thin but perceptive line that demarcates the two, and to walk it skillfully towards expeditious delivery of justice.

Once, while recording a judgment, I used the words 'why do we make haste when it always goes waste?' 'Haste' is nearly synonymous to 'hurry' but there is, however, a subtle difference between the two. In the decision of "***Syed Saeed Muhammad Shah & another versus the State***" it was held by the august Supreme Court of Pakistan that there is perceptible difference between speed and haste. Object of speed can be achieved even after observing all legal requirements without indulging in haste. There are legal maxims in the field which act as guidelines. One maxim is that justice delayed is justice denied and the other in the same context is justice hurried is justice buried.[2]

A mere expediency of a case may not always mean a hasty and hurried decision without application of judicious mind, held the honourable High Court of Sindh in the case of "***Hanif brothers versus Federation of Pakistan and others***."[3]

In the case of "***Messrs MFMY Industries Ltd. and others versus Federation of Pakistan through Ministry of Commerce and others***", the august Supreme Court of Pakistan held, "In his judicial work a Judge shall take all steps to decide cases within the shortest time, controlling effectively efforts made to prevent early disposal of cases and make every endeavour to minimize suffering of litigants by deciding cases expeditiously through proper written judgments. A Judge who is unmindful or indifferent towards this aspect of his duty is not faithful to his work, which is a grave fault."[4]

Similarly in the case of "***National Accountability Bureau (NAB) through Chairman versus Messrs Hudaibya Paper Mills Limited, Lahore and others", the august apex Court of Pakistan observed,*** "The criminal justice system requires that a person accused of a crime is brought to justice as speedily as possible, so if he is found guilty he is punished and if he is found to be innocent he is discharged and/or acquitted. The maxim that justice delayed is justice denied comes true when a criminal trial remains pending indefinitely for no reason whatsoever. A procrastinated trial not only adversely affects the prosecution case but may also seriously hamper the defence. In the case of ***Muhammad Hussain v the State*** criminal proceedings were quashed, and the petitioner acquitted because the case had not progressed for five years. The Court held that, "the sword of Damocles has been hanging over his head for over six years. The chances of the accused to defend himself after a lapse of so many years must have been seriously affected. If the prosecution does not take care to see that a case against an accused person is proceeded with expeditiously and allows it to linger on inordinately or delays its progress, the fault must lie at its door". The Court further observed that,

[2] 1993 SCMR 550 Syed Saeed Muhammad Shah versus the State
[3] 1999 CLC 520 Hanif Brothers versus Federation of Pakistan and others
[4] Article X of the Judges Code of Conduct referred to in 2015 SCMR 1550

"The state of affairs discloses utter incompetence and callous disregard of the worry and anxiety of a person who is charged with crime. It is a mockery of law to allow criminal cases to proceed for four or five years without any progress. It is revolting to the conscience of a Judge under any system of law that a criminal case should take so long and still not be decided. The conduct of these cases by the learned Public Prosecutor reflects a lack of interest in the cases. He did not apply his mind to what was needed, and he has sought adjournment after adjournment, which should not have been granted. Would an accused person have been given all these adjournments? If not, should the prosecution have been shown such an indulgence? If the prosecution fails persistently without reasonable cause to produce its witnesses, or seeks adjournments unjustifiably, it is the duty of a Court to proceed to judgment expeditiously and without unnecessary delay. Justice delayed is justice denied for the defence of the accused must suffer by lapse of time and the prosecution may also suffer likewise. A fair and speedy trial is the essence and essential of judicial administration in a civilised country. Protracted proceedings as in this case are a mockery of the law and must be deemed to be an abuse of process of Court".

Honourable Justice Muhammad Shafi in the case of ***FazalKarim v The State*****,** observed:

"I most regrettably observe that the whole trial has been turned into a complete mockery. 'Justice delayed is justice denied' is an old and surely not an empty maxim and there cannot be a better case than the one now before me to which it can more aptly apply".

"The perusal of the different orders which have been passed by the learned Magistrate in this case and keeping the case pending for five long years without doing anything substantial certainly go to show that there has been an excessive abuse of process of law and denial of justice, which can, under no circumstances, be condoned. I, consequently, though with great reluctance, accept the three petitions, and order that the proceedings started on the first information report recorded on the 8th of June 1952, be quashed".

## Derbyshire CJ in the Case of ***Emperor v Md. Ebrahim*** Referred to the Policy of the Criminal Law

"*The policy of the criminal law is to bring persons accused to justice as speedily as possible so that if they are found guilty, they may be punished and if they are found innocent they may be acquitted and discharged*".

## Lord Denning Encapsulated the Principle of due, or Legal, Process Succinctly

"*In a civilised society, legal process is the machinery for keeping order and doing justice. It can be used properly, or it can be abused. It is used properly when it is invoked for the vindication of men's rights or the enforcement of just*

*claims. It is abused when it is diverted from its true course so as to serve extortion or oppression; or to exert pressure so as to achieve an improper end*".

In this case we have come to the painful conclusion that respondents 1 to 9 were denied due process. The legal process was abused, by keeping the Reference pending indefinitely and unreasonably. The said respondents were denied the right to vindicate themselves. The Reference served no purpose but to oppress them. We have also noted with grave concern the lack of commitment and earnestness on the part of NAB at the relevant time. NAB did not produce the accused in Court; NAB did not seek to have charges framed against them; NAB did not examine a single witness, and tender evidence; NAB sought innumerable adjournments; NAB sought the Reference to be indefinitely (sine die) adjourned. For over four years the Chairman NAB did not submit an application under his signature for the restoration/revival of the Reference. And, when the Chairman did submit such an application it was not pursued. The Reference remained moribund."[5]

**Justice** V.R. KrishnaIyer remarked, "Our **justice** system even in grave cases, suffers from slow motion syndrome which is lethal to „fair trial" whatever the ultimate decision. Speedy **justice** is a component of social justice since the community, as a whole, is concerned in the criminal being condignly and finally punished within a reasonable time and the innocent being absolved from the inordinate ordeal of criminal proceedings."[6]

Keeping in view of the above situation, let us introduce a new axiom to the legal proverbs. '***Justice hurried is better than justice delayed****'*. Why did I think that justice hurried is better than justice buried? It happened that today when I stressed on a learned lawyer to argue a case, he in a very light manner said that justice hurried is justice buried to which I thought that justice buried would be better than justice denied. An idea came to my mind to write something on 'Justice buried is better than justice denied' but when I started writing I changed it to 'Justice hurried is better than justice delayed' because I am of the firm believe that justice hurried might not always result in burying it but justice delayed always becomes a source of denial besides other unseen and unpleasant happenings.

The process of justice may be speeded up and hurried but the fairness which is a basic element of justice cannot be permitted to be buried, said an Indian Judgment in a case of "***Shiv Kumar Yadav vs State***".[7]

In a multi-tiered system like ours, it has been seen that 'Justice hurried is always better than justice delayed' for the reason that justice hurried will not always be counterproductive, but delay is sure to result in agony to the litigants and strain on the system. If injustice results from a hurried decision, it can always

[5] PLD 2018 Supreme Court 296 National Accountability Bureau (NAB) through Chairman versus Messrs Hudaibya Paper Mills Limited, Lahore and others
[6] Babu Singh v. State of UP, AIR 1978 SC 527
[7] Shiv Kumar Yadav vs StateDelhi High Court

be rectified by the next forum on the ladder whereas delay detains the parties at a forum unnecessarily which is likely to harm them in their body, mind and social standing. This suffering is not limited to the party alone but is shared by his relations, and as such takes a heavy toll on the whole society. If we prefer even a reasonable delay only for the apprehension that justice hurried would bury it that would definitely result in the above situations but if we make hurry or efforts to provide speedy justice that might not always amount to burial as that could be justice in fact. And speedy justice is always inexpensive. Time has come to provide speedy justice, rather it is the requirement now for the survival of the country and this nation. Every delay is a failure of the justice system and finally it is a failure of the state. Money can be recovered with interest, but life's moments cannot be compensated. Said Ram Samudre.[8]

I may also refer to an article of the Indian writer "Justice delayed is Justice Denied, but is Justice Hurried, Justice Buried?" The Indian Supreme Court observed that in Indian Jurisprudence, in the decision of ***Maneka Gandhi versus Union of India*** it was held that law must be fair, just, and reasonable. Well, when a citizen comes for justice to the court it takes a lot of time to give justice; and till justice is given the purpose for which just was appealed would have perished. There comes the quote "***justice delayed is justice denied***."[9]

I could not help borrowing from the article because of its apt and incisive content. I shall reproduce it here under:

"As Indian justice system goes hand in hand with facts, arguments, moral values, laws, documents, and investigations process, it consumes a lot of time to come to a reasonable judgement (solution). To get justice; people appeal in the district court, then in high court and then in supreme court of India if they don't get the desired judgement/ want. And in this process the case runs for a longer period of time by looking into the facts, arguments, morals and other co-materials.

So, I stand up with an alternative remedy which is available. When the citizen of India would have any problem regarding which it has to go the court; before going to the court of law, it may go to the Law and Order Court where the facts, documents, evidence, and investigations will be done at the root level and as well as in the god level. So that when a person appeals in the court of law, there only the arguments with implementation of law will be taken place. So that judgement/ justice is given at a reasonable period of time. Example: - if a person is appealing for his pension's money in the year 2003 and he gets justice in the year 2015, then these 12 years of pain, time is not reasonable because the pain which the person has faced to get his hard earned pension money from last twelve years cannot be

[8] (http://www.lawyersclubindia.com/forum/Justice-Hurried-is-Buried-OR-Justice-delayed-is-denied--25680.asp).

[9] http://lexisnexisindia.blogspot.com/2016/03/justice-delayed-is-justice-denied-but.html on 27.05.2018 10: 50.1978 AIR 597, 1978 SCR (2) 621.

returned and is unreasonable. So, the justice system is delayed and to fasten the present legal system we must come forward with Lawyers and Judges who will be presenting and finalizing the facts and other co- materials for the district and higher courts, for quick justice.

Justice stands with evidence, morals, and facts, if the facts are fastened up the speed of judgement will increase. Now coming to the point: - if **"*justice delayed is justice denied, but is justice hurried is justice buried*?"**

Judicial experience informs us that even with landmark cases, subsequent cases with varying facts and evidence make the latter distinguishable beyond analogy. If we hasten with the present legal system to deliver justice at good speed it would only burden the judges unnecessarily, resulting in faulty judgements. If the present legal justice system is fastened then the problem which it will face is the burden of solving cases, there lakhs of case pending still in different high courts of India. The court with highest pendency in India is the Allahabad High court. I agree that justice needs to be delivered at a fast rate, but not at the cost of its quality, and not by trampling upon merited interests of deserving litigants. And in a bid for swift justice substantial merits and significant evidence must not be overruled. The premium must always be placed on delivering wholesome justice.

As there is an ancient quote: - "***high greed is dangerous***." Well that even counts for studies. If we study for just the sake of reading and getting through a text and try to complete a chapter as soon as possible we might not be able to grasp any matter from the chapter. Thus, time and energy go wasted without serving any useful purpose. So, in this example the analysing power is diminished. Well then if we try to hasten up with the present justice system, we may come to a judgement in a rash manner, and without having established a sound analysis of all relevant material. The court, by adhering to the procedures laid out in the code, will ensure that justice is served in an adequate manner. Procedures and forms are prescribed to ensure a uniform process for determination of rights, but they must not be allowed to act as hindrance in the path of justice. The abuse of procedures to protract litigation is in fact the most serious threat to delivery of justice in modern judicial systems. Excessive caution may inflict a tribunal with paralysis rendering it incapable of disposing of matters pending its jurisdiction.

So I humbly submit that, rather than taking unreasonable time and not by fastening up the justice system, the court should come up with some alternatives so that each and every citizen of India will free to go to court for their problems. Many people don't even go to court to get there justice, because they have a mind-set that if they a file a case then it will take a longer period of time to get justice. Rather than slowing down and fastening up the present court proceedings if the court comes forward with alternatives, then it would be a great victory for the present justice system."

Justice delivery system in Pakistan and India are analogous. Drawing on the experience of our fellow judges across the border, I may also add that justice should be hurried but in reasonable and fair manner.

In the case of "***Hakam Deen versus the State through Advocate General and 15 others***" the august Supreme Court (AJ&K) observed that nature of functions of trial court were tough, rather tougher than the job of superior courts; it had to order issuance of notices, summonses or warrants, hear and decide miscellaneous applications and had to do certain other things. The trial court's responsibility was greater and more onerous and on it depended on edifice of the case in all appellate courts; it was, however, a noble endeavour that cases should be expeditiously decided, but it must be in accordance with law of land. Justice was a Divine duty and Divinity demanded clemency, forbearance, patience, humility, magnanimity, temperateness, modesty, benevolence. Such a duty had to be pursued with perseverance and dignity. At another place the honourable Court was pleased to observe that quality of justice and not the number of cases decided, was the requirement of dispensation of justice, quick or hurried conclusion of cases was good and delay in dispensation of justice was really denying it; but balance had to be struck between delayed justice and hasty justice. If delay ensured justice, nothing bad in it, though not in good taste, but if haste would distant justice, it was worse than the delay.[10]

One is likely to come across numerous instances of avoidable delay in disposal of cases in one's career. I shall just cite a few which I practically observed during my career as a Judge. I had come across a civil appeal filed on 15.03.2004 and was decided by me on 15.03.2018 exactly a day after its completing 14 years. What proceedings are mostly conducted in a civil appeal after its presentation? It is just putting the other side on notice, hearing it and decision thereon. Nothing more, usually, happens in a civil appeal. It is not always that the other side delays the decision of appeal because the decision in the lower forum is in its favour and it wants to get the fruits of such a decision. It might be sometimes by the party filing appeal to enjoy possession, usufruct etc. of the property but normally it is not like that because the party filing appeals, if genuinely seeking its rights, would hardly become a cause of delay. Yes, it is caused by the appellant if he knows he is on the wrong pedestal. Such a situation is a willful cause of delay. The courts have to curb such situations and tactfully by employing tools provided by the code(s) to ensure timely disposal and without encroaching upon the natural rights of the parties.

I found a case under the Narcotic Substances Act, 1997. The case was of elderly under trial prisoner. Challan in the case was filed in 2014, while I was posted at a station. Here let me tell you the facts. I am not self praising or blaming any other but telling the hard fact for the only purpose to justify the topic. Charge in the case was framed by me somewhere that year and two of the three material witnesses were also examined in my court. I was then transferred out and was again posted to the same station after about two years and three months. The accused, still under trial, was produced in my court on my transfer back to the

[10] PLD 2006 SC (AJK) 43 Hakam Deen versus the State through Advocate General and 15 others

station. The case was being adjourned as all the criminal cases were transferred from my court because my court was notified by the Federal Government as (exclusive)Gas Utility Court under the new Gas (Theft Control & Recovery) Act, 2016 raising the pendency of SNGPL cases to a great extent. I could not recognize the accused. He was looking straight at me when I was signing his jail warrant to send him back to jail. There were changes in my appearance after two years and 3 months of my earlier posting at the station. Recognising me, he, in order to confirm, asked me whether I was posted there in 2014? I replied, yes. He told that during those days his case was being fixed for hearing at least weekly if not twice a week. He told that charge was framed and the two material witnesses were also examined by me but during two years and three months, after my transfer in December, 2014, from the station and coming back in March, 2017 the only remaining material witness could not be examined, his trial was delayed without any progress and he had to spend more than two years in jail. Allah knows whether his case was decided by the learned transferee court till the time of writing this paper or still he was an under-trial prisoner. I am not blaming anyone else but at least, I have to fairly and honestly accept my own liability and responsibility of delayed and denied justice. I am getting more than Rs.10000/- per working day in the shape of salary. The question is what I am delivering? Whether I am deciding cases according to my one day salary? Whether I am concentrating upon the cases or at least opening the file(s) just to see what is in it, if not for the purpose of how to decide it as quickly as possible. To be fair, honest and straightforward the answer is a big 'NO'. My conscience has at last held me answerable. May Allah Almighty forgive us all.

On 26.05.2018, I was hearing the concluding arguments in a civil appeal filed on 23.01.2013 against a preliminary decree passed in a suit for partition of property. The appeal was transferred to my court on 15.02.2018. I found that it was earlier heard by my learned predecessor on 25.01.2017but the appeal could not be decided till 15.02.2018 when it was received on transfer to my court. Here I, being the slave of the procedural technicalities, also took two and a half months to complete the attendance and conclude hearing. Only two very short points were involved in the appeal: first, that the learned trial court had wrongly considered the appellant as tenant whereas his name was recorded in the column of cultivation as buyer/purchaser and, therefore, he was considered to be owner being on much better footing as compared to the persons merely entered as owners in the column of ownership while the second point was a misconception of learned counsel for the appellant regarding an observation of the learned trial court in the judgment about some miscalculation of shares of the plaintiff(s) whereas the relief portion of the impugned judgment, becoming part of the decree, had made that clear and when confronted with, the point was not seriously pressed. The problem is that we spend years if not decades to resolve immaterial controversies and often waste time in irrelevant considerations.

A civil revision petition was transferred to my court. The parties did not put

appearance. In routine the reader of the court issued notices to the parties and their learned counsel. Learned counsel for the respondents appeared on the following date and informed the court that the main case out of which the civil revision petition had arisen had been decided, which fact, he said, was brought to the learned transferor court. I found that the matter was probably of 2009 but surely filed before 2010. I went through the order sheets and found that the learned counsel for the petitioner was an out-stationed lawyer. His cell number was, however, available. He was contacted. He verified the factum of decision of the main case. He was astonished to know that the civil revision petition which he had filed was still pending despite the fact the main suit had been decided much earlier. He asked that the petition might be decided accordingly. Which was accordingly decided.

Similarly, there was an old civil appeal, transferred to my court. The parties did not put appearance at the time the file was received. In routine the reader of the court issued notices to the parties and their learned counsel. When the file was placed before me for signature, I saw the year of institution probably to be 2007 or 2009 written with a bold marker on the file cover. It was Saturday. I did not sign the order sheet wherein direction was given to issue notices to the parties and their counsel. I instead directed the stenographer to contact the learned counsel for the parties on their cell numbers found in their wakalatnamas. The learned counsel was kind enough to appear before the court and while cooperating to the maximum they argued the appeal that day. In this way the appeal was decided on the following Monday i.e., just two days after hearing the arguments.

In all the cases, at least like above, I think that we should make hurry in decisions irrespective of the thinking that such hurry would bury justice. Taking personal interest and appropriate steps in accordance with law so that unnecessary delays could be curtailed, would not at all be termed as "hurrying the justice" rather that would be the responsibility of the Judge to manage his court work in a manner that each case could be properly attended to and decided as expeditiously as possible. Quick decision is not only the right of parties but their dream, no matter the decision is wrong as that could be corrected by the higher forum, if actually found to be wrong. It could be wrong for many reasons: because of personal opinion of the Judge or for lack of experience of the Judge, for lack of knowledge of Judge, for insufficient evidence, and so on. To err is human. Nobody is perfect. Every wrong could be set right by the next higher forum by substituting its judgment and we find very less number of cases which are remanded only because those were decided hurriedly. Thus 'justice hurried would be better than justice delayed' can safely be justified. So let the wrong be done at the earliest and not after decades so that it could be corrected at the earliest and not after decades. On the other side if the wrong is done too late that would definitely be justice denied as well as a cause of agonies, discomfort, diseases, and problems in the families of the litigants in particular and the society in general. So let us make hurry rather than delay matters and hold the parties suspended.

Even in order to curtail delay we can take practical steps. We can introduce some changes in our system to curtail delays. Let me suggest a few steps to be taken to expedite the decision of Civil cases. The legal proceedings start from the inception of a matter.

On receipt of a matter the other side is summoned or put on notice.

Process of service or notice should be prior to institution/filing of the matter only through such courier service which has the facility to report back with details of the delivery either personally to the addressee or to any adult male member of the family of the addressee. The notice/summons should contain a date on which the matter was to be filed in the court. The name of the court with address should also be given in the summonses/notice(s) (Specimen may be made available in the court along with approved list of the courier services). If that is done that should be considered sufficient. No matter should be entertained unless such a service, list of witnesses (only relevant witnesses), list of legal heirs, memorandum of address(es)and particulars of assets of the plaintiff(s)/applicant(s) or details of other sufficient means including bank guarantee etc. for satisfying any court order are annexed thereto.

The court receiving the matter should require the other side to file written statement/reply, as the case may be, and may receive such reply if that is presented by the opposite party on the first appearance but no reply/written statement should be accepted unless it is accompanied by a list of witnesses (only relevant witnesses), list of legal heirs, memorandum of address(es) and particulars of assets of the defendant(s)/respondent(s) or details of other sufficient means including bank guarantee etc. for satisfying any court order/court decree.

The court shall forthwith attach the assets or means of both the parties equal to the claim or, a bit more at least, to the extent of further alienation till the final decision of the case.

Issues must be framed on the day the reply/written statement etc. are filed.

The parties should be given reasonable time for conclusion of their case. Not more than two months' time shall be given to either side to conclude evidence, failing which their evidence shall be deemed to have been concluded.

In case of huge pendency, the courts may be bifurcated into courts of evidence and courts of decision after arguments. Even if the pendency remains huge help for recording evidence through commissions could be obtained.

After conclusion of the evidence the cases should be fixed for arguments, which should invariably be heard within 15 days thereafter. Party may file written arguments. Any party failing to avail the opportunity of advancing arguments shall lose such an opportunity and the court shall proceed to decide the case within next 15 days, as far as practicable. The presiding judge shall submit a report to the High Court regarding the decision of the case made within 15 days after the conclusion of the case. The presiding judge, failing to decide the case within the above prescribed manner shall seek further time from the High Court, which shall in no case be 30 days. In case a presiding judge fails to deliver justice in the extended

time. He has to be transferred to a remote area for a period of 6 months besides other action deemed appropriate by the High Court. The judges doing all out practical efforts might be given some incentives.

The parties, along with the institution of the matter, shall deposit the expenses as assessed by the court, for providing them with certified copies of all the proceedings and the documents admitted in evidence. At the time of pronouncing any order/judgment the court shall provide copies of the order and the commanded documents directing them to approach the next higher forum on a fixed date within seven days after such pronouncement. There will be no separate process to be initiated for serving the other side or issuing notice etc. in the next higher forum. Any party, who does not appear or approach the next higher forum on the date given by the court deciding the matter, shall be placed ex-parte and such ex-parte placement could never be set aside on any ground, however, the party could join the subsequent proceedings without getting the ex-parte proceedings set aside. The next higher forum shall fix a date of not later than 15 days for arguments. The parties shall be bound to produce their counsel duly prepared for arguments. The parties may submit written arguments. The matter shall invariably be decided within the next 15 days. If the judge is overburdened the number of courts should be increased. The counsel shall also manage their casework. If the lawyer is overburdened, he shall make arrangements to ensure arguments. The concept of adjournment shall be rooted out completely. No leniency, no laxity etc. should be there. On decreeing a suit, like banking court laws and Gas (Theft Control & Recovery) Act, 2016, the suit shall be converted into execution proceedings fixing a date in the execution proceedings.

No fresh notice/summons would be necessary to be issued to the judgment debtor in the execution proceedings. The executing court shall require the judgment debtor to satisfy the terms of decree within 15 days. In case of failure the executing court shall proceed to satisfy the decree from the assets or other sufficient means filed by the parties and attached by the court at the first instance. In case, however, the operation of the decree is suspended by the next higher forum, the execution proceedings shall be consigned to record room till the decision of the matter by the next higher forum. On maintaining the decision of the trial court by the next higher forum, the execution proceedings shall again be taken up on the date fixed by the higher forum at the time of decision of the matter by it. The execution proceedings taken up again shall be decided within 15 days in the above manner.

If the foregone observations are borne in mind and the suggestions are adopted, we might be able to curtail delay, decrease backlog, and help create a just and fair society. With our multi-layered judicial system justice hurried would not be justice buried rather it would be speedy and inexpensive justice. These are some proposals for ordinary civil cases wherein changes may be made, it more practicable. In criminal cases too similar efforts could be made by employing little ingenuity.