

Online Court-Case Management - Need of the Hour

[Suggested Method for Subordinate Civil Courts]

Salkute Sanjay Rambhau

Civil Judge Senior Division

(Deputed as: Judge, Labour Court, Aurangabad, Maharashtra, India)

sanjaysalkute@gmail.com

Abstract:

The Hon'ble Supreme Court of India, in case of Salem Advocate Bar ... vs... Union of India, pleased to discuss Four Tracks in the Model Case Management Rules and accordingly the High Courts have framed Case Management Rules. The Model Case management Rule has provided liberty to assign and shift the case in the tracks. The Hon'ble Bombay High Court has described the life cycle of the case. The Government of India is planning for deadlines for the disposal of cases.

The objective in this study is to improve the court process by decreasing the time delay in case management. I have discussed provisions of Civil Procedure Code, 1908, and studied to assign & shift cases in the tracks provided in Model Case Management Rules with an imaginary Time. I have drawn three tracks to assign and shift the cases of Track No. 3 & 4 of Model Case Management Rules connected with Life Cycle called as Multi Track The case has to assign to Universal Track then it automatically shifts either in Diverted Track or Zigzag Track and lastly in Life Cycle. I have discussed required time for the Model Case Management Rules and Life Cycle. I have also discussed Fast Track of the civil cases/ civil applications for the Track No. 1 & 2 of the Model Case Management Rules. I have noticed that, if more events occurred, then the life of the case increases. If the events and process are properly managed, then the undue delay can be reduced. If the parties take effective steps,

then it is possible to reduce the time limit.

During my studies, I have noticed that, the online case management system is necessary. I have drawn track-circuit to assign, shift and monitor the cases. The online case track circuit may be useful for Judges, Court staffs and litigants. This is not exhaustive study and it is limited discussion of trial in civil cases of the subordinate civil courts.

Key words: Court Case Management, Model Case management, Caseload management, Life Cycle of Civil Case, Time Management.

Introduction: The Case Management system is helpful to reduce undue delay in disposing the court cases. It provides just, timely, and effective resolution of cases by scheduling early, firm trial dates and encouraging consideration of alternative dispute mechanisms. It sustains and enhances public confidence.

In the case management for civil cases, the judicial officer has to manage a number of processes and events.

In case of Salem Advocate Bar ... vs. Union of India, decided on 2 August, 2005, the Hon'ble Apex court pleased to discuss model case management rules and discussed Four Tracks for the Civil suits. It is discussed that, based on the nature of the dispute, the quantum of evidence to be recorded and the

time likely to be taken for the completion of the suits, the suits shall be channeled into different tracks. All efforts shall be taken to complete the suits in track 1 within a period of 9 months, track 2 within 12 months and suit in track 3 and 4 within 24 months. The judicial officer concerned has to make an appropriate assessment as to which track any case can be assigned. The High Courts can examine those Rules, discuss the matter and consider the question of adopting or making case law management and model rules with or without modification, so that a step forward is taken to provide to the litigating public a fair, speedy and inexpensive justice [1].

Accordingly, high courts have framed Case Management Rules [see Table 1 to Table 4]. Now the Government of India is planning to make time-bound for court cases [2].

The life cycle of civil cases described by the Hon'ble Bombay High Court as:-

Civil Case Cycle - Appearance, ex-parte order (if the respondent absent), Written statement/Say, NO w.s/No say order, Hearing on Temporary injunction application, List of documents, Issues, list of witnesses, evidence, argument and judgment.

Misc. applications: Appearance, ex-parte order, written statement/say, No W.S/Say order, paper publication, Hearing/Argument, Judgment [3].

FAQ Question on Bombay High Court Website:

How much time is required to get the result of a case?

Normally criminal case is expected to be decided within six months. Civil matters are expected to have disposal within three years. However, one cannot expect disposal of case within such period of time. It depends upon response from both the parties, pendency of cases before respective court and circumstances of the case [4].

Time limit provisions of Civil Procedure Code:-

In the civil procedure code, some provisions are made for compliance in the court proceedings like, for filing written statement, payment of process fees, effecting an amendment and pronouncing the judgment.

Relevant Provisions in Civil Procedure Code and Civil Manual:

The Table-5 for civil case process and events described in the Civil Manual shows that, in most of the provisions, deadline is not provided to comply the events or orders. Same is the position in Civil Procedure Code [Table-6].

If the case load for individual courts is studied then it will be clear that, most of the courts are overloaded. On careful perusal, it will be also clear that, in the few courts; the workload is moderate or less, where cases cannot be disposed off within deadline.

Study:

1. Study for Assigning and Shifting Civil Case:

As per objective of my studies, I have discussed the Model Case Management Rules on the following points:

- 1) How to assign the case in the Track?
- 2) How to shift the case from one track to another?
- 3) How to manage business process time?
- 4) How to monitor the Tracks?

2. Imaginary Time for case assigning /shifting in the track:-

If a minimum seven days' time (intervals) is fixed between two dates, then, as per the Model Case Management Rules:

How many days will require to dispose off the case?

2.1 Reason for Imagination of 07 days intervals between two dates in Cause list/daily board:

In Model Case Management, the Hon'ble

Apex Court discussed for listing the matter on each day. For recording of evidence it is observed that, evidence recording should be day to day. Further note speaks that, whenever there is any inconsistency between these rules and the provisions of either the Code of Civil Procedure, 1908 or the Code of Criminal Procedure 1973 or the High Court's Act or any other Statutes, the provisions of such Codes and Statutes shall prevail [1].

2.2 Reason for the prevailing practice: For any event, the party requires to file a reply, an affidavit and may require to file supporting documents etc. The pleader may require time to prepare reply, the parties may require to collect the documents etc. for which 07 time days may be sufficient time.

2.3 Reasons for provisions of Civil Procedure Code:

- Order IX Rule 5 speak to pay a process within 07 days.

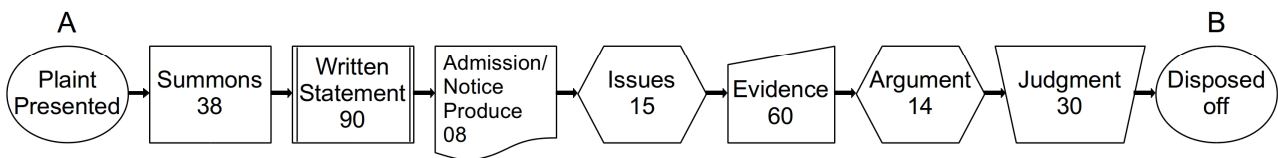
- Order VI Rule 14 speak, if no time is fixed then within 14 days the amendment has to be carried out. It also speaks for further time. It does not mean again 14 days.
- Order XII Rule 2 speaks, Notice to produce documents within 07 days.

From the above discussion & prevailing practice and few provisions to comply the compliance, I have considered 07 days intervals between two dates of the cause list/daily boards.

3. Study for Assigning & Shifting cases in Track-3 & 4 of imaginary time [Multi Track]:

In the Model Case Management Rules, it is discussed that the judicial officer has to assign and then he may shift a case of one track to another track. I have drawn three Tracks Universal Track, Diverted Track and Zigzag Track (higher level flow charts).

Universal Track : 255 Days



3.1 Universal Track:

Imaginary Case: - Suppose it is a civil suit/case for Injunctions based on the document. There is a Plaintiff and only one defendant. The defendant resides within the jurisdiction of the court. The process starts when a lawsuit is filed by a lawyer on behalf of a plaintiff or a party. A case is listed at the interval of 07 days. 'A' is the point for filing suit. 'B' is pointing to dispose of the suit/case.

3.1.1 Summons Process:

Current Position: As per section 27 the summons has to be prepared within 30 days. Order V Rule 9 do not speaks time to deliver the summons. Assuming that the summons is served within 15 days.

The defendant has to file a written statement within 30 days from the date of service of the summons. Hence First date would be on 75 th day. [See Figure-1]

Figure-1:

Process/act/event	Time /days
Preparation of the summons	30
Summons service on defendant	15
Time to file Written Statement	30
Total days	75

Suggested System for Court: To prepare a summons by electronic method. Assuming that, for summons generations by electronic mode requires 01 day. Then, to send/issue the summons at once with all the provisions, as discussed below:-

- (i) For personal service by delivering a copy or tendering a copy of the summons to the defendant personally or to an agent or other person on his behalf.
- (ii) Affixing a copy thereof in some conspicuous place in the Court House and also upon some conspicuous part of the house(if any) in which the defendant is known to have last

resided or carried on business or personally worked to gain or in such other manner as the court think fit.

(iii) By delivering or transmitting a copy thereof by registered/speed post acknowledgement due, courier services and electronic modes addressed to the defendant or his agent empowered to accept the service or by speed post or by courier services. The receipt for, the Postal Tracking system, electronic systems and courier service will help to ascertain the service of summons on the defendant. Hence First date would be on 38th day. [See Figure-2].

Figure-2:

Process/act/event	Time /days
Preparation of the summons by electronic method	01
Summons service on defendant	07
Time to file Written Statement	30
Total days	38

Observation: Traditional method requires 75 days but the suggested system requires 38 days.

3.1.2 Written Statement:

Current Position: Order VIII speaks to file the Written Statement, a 30 days’ time is provided but generally the defendant files it within 90 days.

Suggested System for Court: For filing written statement it is observed by Hon'ble Apex Court that, while extending time, it has to be borne in mind that the legislature has

fixed the upper time limit of 90 days. The discretion of the Court to extend the time shall not be so frequently and routinely exercised so as to nullify the period fixed by Order VIII Rule 1[1].

Suggestions for Parties: The defendant to make efforts to file a written statement within 30 days or on first fixed date.

3.1.3 Admission/denial/Notice to Produce Documents:

Current Position: Order XII Rule 7, speaks to admit the documents within seven days. For

this process, the case has to be fix on 8th day.
Suggestions for Parties: It is a material stage to minimize the issues in dispute between the parties. If the pleadings are as per the Rules and various guidelines given by Higher Courts, and if the documents /facts that is not disputed or are admitted by the parties , then only for material disputed facts and relevant provisions will remain in issue . The parties may comply within 07 days.

3.1.4 Framing Issues

Current Position: Now as per the Order XIV, 15 days times to frame the issues.

Suggested System for Court: Court may reduce the 15 days’ time for framing issues. If the case is simple, then issues can be framed prior to 15 days.

Suggestions for parties: Parties may file a suggested issues.

3.1.5 Evidence by Parties

Current Position: Order XVIII does not speaks a time limit for recording to evidence. It is a stage where parties move adjournment

Figure-3:

Process/act/event	Time /days
Evidence by plaintiff's side (04 dates for 07 days interval each)	28
Evidence by defendant's side (04 dates for 07 days interval each)	28
Approximate Total Time	60

More suggested system for court: The procedure of each witness filing his examination- in-chief and being examined in cross or re- examination will continue, one after the other. After completion of evidence on the plaintiff’s side, the defendants shall lead evidence likewise, witness after witness, the chief examination of each witness being by affidavit and the witness being then cross-examined or re-examined. The parties shall keep him affidavit in chief-examination ready whenever the witness's examination is taken up. As far as possible, evidence must be taken up day by day as stated in clause (a) of proviso to Rule 2 of Order XVII. The parties

applications. The parties have to file a list of witnesses. Under Order XVIII Rule 4 of Civil Procedure Code, in every case, the examination-in-chief of a witness shall be on the affidavit and copies thereof shall be supplied to the opposite party by the party who calls him for evidence. Order XVIII does not bar to the parties to take evidence to call witnesses into the witness box and for recording evidence on video conference. It also speaks for appointment of a commissioner for recording to cross examination.

Suggested System for Court: Just likes a criminal trial, the stage of evidence recording in civil cases can be fixed for speedy trial. If a fixed schedule is framed to make an arrangement of the parties to produce their witness , by any mode as per Order XVIII or electronic method , so that the parties will take responsibility to continue evidence day to day bases without forgetting the compliance with timeliness.[see Figure-3].

shall also indicate the likely duration for the evidence to be completed, and for the arguments to be thereafter heard [1].

Suggestions for Parties: Parties to co-operate to court in speedy trial by producing evidence / witnesses without seeking adjournments.

3.1.6 Argument

Current Position: Court to fix case for argument. Parties moves application for adjournments on various grounds. They also seek time to file case-laws.

Suggested System for Court: After closing of evidence, if the case is listed on a 07 days intervals, the plaintiff and the defendant may argue. It may depend upon the facts and the **Figure-4:**

Process/act/event	Time /days
Argument for plaintiff's side (01 date for 07 days interval)	07
Argument for by defendant's side (01 date for 07 days interval)	07
Approximate Total Time	14

Suggestions for Parties: After closing evidence, within a period of seven days, both parties, in advance, may send a copy of written notes of argument along with case laws to each other. On the day of argument a little time will consume for oral arguments. The Hon'ble Apex Court pleased to discuss that, the object of filing written arguments or fixing time limit of oral arguments is with a view to save time of court [1].

3.1.7 Judgment:

Current Position: As per Order XX, the judgment is to pronounce on some future days. Court to pronounce the judgment within 30 days. Last deadlines are not beyond 60 days.

Suggested System for Court: Try to deliver a judgment as early as possible but passing a judgment is depends upon the case load, the cause list on the day and nature of the case etc.

3.1.8 Exception for Universal Track:

1. Time consumed (If the case is not settled before ADR mechanism).

2. **Order XVII Adjournments (42 days):-** Order XVII speaks three adjournments to a party during the hearing of the suit. It does not speaks 'total' for both parties. If three adjournments for 07 intervals are granted to both side then it came 42 days. The Hon'ble Apex Court pleased to discuss that, when a suit is listed before a Court and any party seeks adjournment, the Court shall have to

nature of the case. The reply to argument or filing case-law /citation may require next date. Thus, for Argument event the time requires 14 days intervals. [See Figure-4].

verify whether the party is seeking adjournment due to circumstances beyond the control of the party, as required by clause (b) of proviso to Rule 2 of Order XVII. The Court shall impose costs as specified in Rule 2 of Order XVII [1].

3. **Compliance of acts (30 days):--**Section 148 speaks 30 days times for compliance in total. If four date are given for 07 days each then it comes total 30 days completes. But the other party may also claim 30 days times of section 148. The Section 148 enlargement of time not exceeding thirty days in total, even though the period originally fixed or granted may have expired. This section gives thirty days in total to extend time for events in the case flow. The Hon'ble Apex Court pleased to discuss that, Section 148, deserves to be read down to mean that where sufficient cause exists or events are beyond the control of a party, the Court would have inherent power to extend time beyond 30 days [1].

Suggestions for parties: To reduce the delay for the above two provisions section 148 and Order XVII adjournments , prior to hearing and after fixing a case for hearing, are totally depend upon the parties. The Hon'ble Apex Court pleased to discuss that, the grant of adjournment by a court has to be at a party showing special and extra- ordinary circumstances. It cannot be in routine [1].

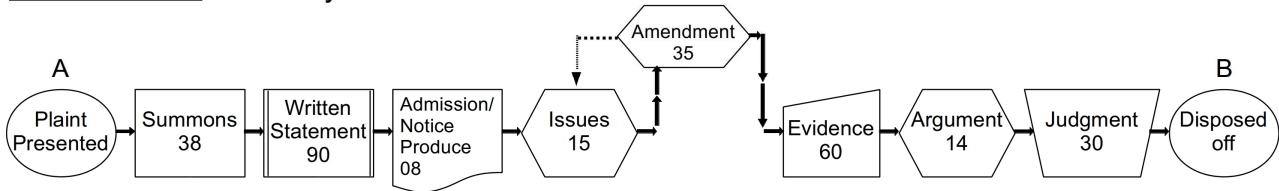
3.1.9 Observations for Universal Track: 255

days requires to dispose off the case. An average working days of Trial Court is 245 days. It clearly shows that, the universal track can be completed within 12 to 24 months. If

the time for adjournments and compliance of act as discussed above (255 + 30 + 42 =327), shows that, the Universal track compliance within the deadlines.

3.2 Diverted Track

Diverted Track : 290 Days



There are two defendants. One of the defendant resides within the jurisdiction of another court. During the hearing of the case, one of the party moved application for an amendment in pleadings.

Plaintiff may take summonses by hand. Then the plaintiff may require to apply for special bailiffs at the court where the defendant resides. This business may require more than 30 days times. The court where the summons is served has to send the report for service of the summons. Total 90 days' time requires. [See Figure-5].

3.2.1 Summons Process:

Current Position: To send the summons to the court, where the defendant resides. The

Figure-5:

Process/act/event	Time /days
Preparation of Summons	30
Send summons & service of summons by another court	30
Time to file written statement	30
Total days	90

Suggested System for Court: The summons to be prepared by electronic modes. To send copies of a summons by electronic modes to serve personally and for affixing a copy to another court. The court will comply and may send its report by electronic mode. Send the summons by registered post, speed post,

courier etc. with a copy of plaintiff/documents. The postal tracking system gives a report for summons service. The services report may come within 07 days. Send the summons by electronic modes also, hence First date for Return of summons/filing written statement would be 38th day. [See Figure-6].

Figure-6:

Process/act/event	Time /days
Preparation of Summons by electronic mode	01
Send summons & service of summons by another court	07
Time to file written statement	30
Total days	38

Observation: Traditional method requires 90 days but the suggested system requires 38 days.

Suggestions for Parties: If defendants are from the same family, from same office etc. and if one of the defendants served then he shall inform to other defendants, though others may be residing in different places. So that all defendants may appear as early and may file a written statement within 30 days period. This logic may be applicable for the event if the new defendant/plaintiff is added as a party. It is also applicable to:

- 1) If the legal heir is from the same family though may be residing in different places.
- 2) If private witnesses called by the

Suggested system for the Court: [Figure-7]:

Process/act/event	Time /days
For filing reply (one date for 07 days interval)	07
For Hearing the application (one date for 07 days interval)	07
Effecting amendment & filing amended copy	14
Effecting consequential amendment(one date for 07 days interval)	07
Approximately time	35

So, if possible then on the date of filing the reply, hear the application and pass the order so that, one date for 07 can be reduced. The Hon'ble Apex Court pleased to observe that, for amendment in the pleadings, the object is to prevent frivolous applications which are filed to delay the trial [1].

Suggestions for Parties: If the party wants to move amendment application, then he can send a copy in advance to the other side, so that on the fixed date the other side may file its reply. On that day, they may hear orally or may also file written note of hearing with

parties, then the party may try to inform to the witness about the nature of issuing process etc. So that the witness may appear on the fixed date.

3.2.2 Event: - If one of the party has moved an application for amendment.

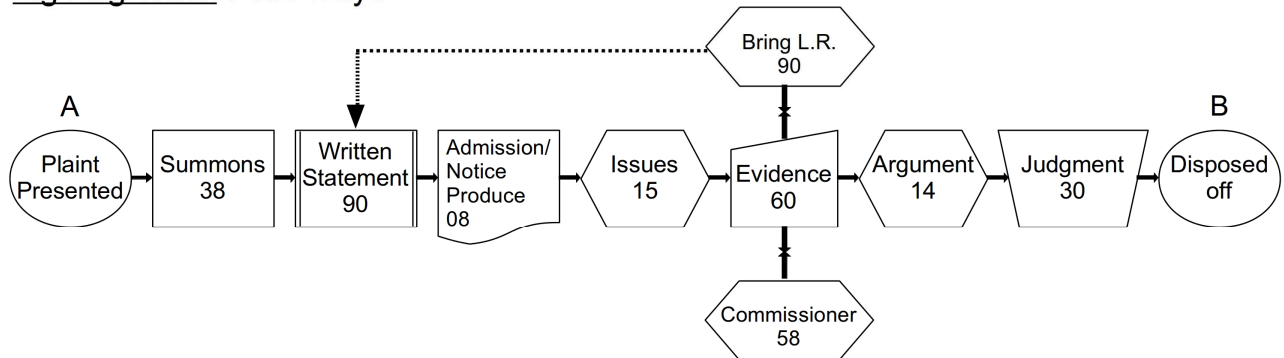
Current Position: Order VII Rule 17 Civil Procedure code, if the amendment is allowed then to grant time to for compliance. If time is not mentioned then within 14 days, the party has to comply. The Court may grant further extended time for the compliance. This compliance may include the time to effect consequential amendment. But experience is that, this event consumes more time. [See Figure-7].

related case laws. If the order is passed in favor of the applicant, the applicant should be ready with the amended draft. The other side may come with the consequential draft.

3.2.3 Observation for Diverted Track: $255 + 35(\text{Event}) = 290$ days require for disposing the case. An average working days of Trial Court is 245 days. It clearly shows that, the Diverted track can be completed within 12 to 24 months. If the time for adjournments and compliance of act as discussed above ($290 + 30 + 42 = 362$) shows that, the Diverted track compliance within the deadlines.

3.3 Zigzag Track:

Zig-Zag Track : 403 Days



Events : (Events may occur at any stage so most of the events cannot be predicted. Above diagrams are for illustration. The Zigzag position of the track depends upon the events in the case.)

- (1) If the defendant died then his legal heirs has to bring on record.
- (2) If the party moved an application for appointment of a commissioner for local inspection.

3.3.1 Bringing Legal Heirs on Record

Current Position: Order XXII provides to bring legal heirs of defendant within 90 days. Further time is provided under Rule 4(5) for setting aside abatement. Here fixed time 90 days is provided and then suit abates. Only time remedies is Rule 4(5). There is no provision to extend the time in Rule 3. The provision of section 5 of Limitation Act is an exception to set aside order for abatement.

related to each other, then if one of the heir are served for notice/summons then he can inform on other heirs. Other heirs may appear before the court so that the time to appear them will reduce.

3.3.2 Commissioner for Local Inspection

Current Position: The party moves application for local inspection. The court may grant time to file report by the commissioner. It consumes more time.

Suggestions for Parties: If the parties are

Suggested system for court: [See Figure-8]:

Figure-8:

Process/act/event	Time /days
For filing reply (one date)	07
For Hearing the application (one date)	07
For passing order by the court (one date)	07
Preparation of Writ, filing documents, depositing fees (one date)	07
Filing report by commissioner	30
Total	58

More suggested Systems for Court: Court may grant less time for compliance with order

and filing report by the commissioner but it depends upon the nature of local

inspection/commission.

Suggestions for Parties: If a party wants to move an application for appointment of a commissioner then he can send copy in advance to the other side so that on that a day the other side may come with a reply. They may hear orally or may also file written note of hearing with related citation. If the order is passed in favour of the applicant, the parties should co-operate to serve the writ for a commission. If the electronic media are available then it can be used for sending a writ to the commissioner. The parties to comply further order likes filing documents for a commissioner, depositing fees as early.

3.3.3 Observation for Zig-Zag Track: $255 + 90 + 58 = 403$ days require for disposing the case. The average working days of Trial Court is 245 days. It clearly shows that, the zig-zag

track can be completed within 12 to 24 months. If the time for adjournments and compliance of act as discussed above ($403 + 30 + 42 = 475$), shows that, the zig-zag track compliance within the deadlines.

3.3.4 More Extended Events:

Example: Application for Temporary Injunctions: If application for temporary Injunctions is moved then it is necessary to issue, show cause notice. The plaintiff severs notice to the defendants as early, so the time for summons service automatically reduces but the application for interim relief requires to be decided on merit. If the defendant appeared and time is given for 07 days to file a reply. The hearing of the parties continues for a day. The court requires time to pass order. The cycle of interim application may continue more than 30 days. [See Figure-9].

Suggested Time:

Figure-9:

Process/act/event	Time /days
For appearance and filing reply by non-applicant (one date)	07
For Hearing the application (one date)	07
For passing order by the court(one date less than 07 days)	03
Total	17

Observation: Zig-Zag track can be complied within 475 days. If the interim relief application consumed 17 days then also the zig-zag track may complete within time.

Reverse Cycle Events : The events like , Amendment in pleadings, Addition of Parties, Bringing Legal Heirs on record, may go back to the stage of Issues or pleadings.

Moreover, if the order is challenged before higher courts and higher court grants stay then the cycle may pause at any stage. The cycle may resume from the stage as directed by the higher courts. The stay period

time cannot be calculated as it depends upon various factors.

4. Evaluation of 07 days intervals periods:

4.1 Formula Applied for Business Process/Event Management:-

1. The extended time should be half time of the original time.
2. If the deadline is not given, for the completion of tasks by the parties, then, the task has to be completed within seven days.
3. Court has to pass order within seven

days (except judgment), where the deadline is not provided.

4.2 To identify to act, task, process, event- For Recording evidence [example]:

- To pay a process, to deposit Bhatta for witness is an act. To file an affidavit for examination in chief & proving documents, cross examination is a process and to complete the evidence of the witness is an event.

4.3 Clubbing a Process:

1. To send a summons to defendant/witness by all modes at once.
2. When the pleading prima facie shows that there is a question on jurisdiction, insufficient court fees, then it is necessary to take such objections at the earliest stage and at once and to avoid the practice to move objections one after another.
3. The objections have to be moved at the stage where it is provided with the Civil Procedure Code.
4. Sister cases, cross cases, cases wherein the same cause of action can be clubbed.
5. Clubbing events, some events like non-joinder of parties, rejection of plaint, to link parallel activities in the work-flow instead of just integrating their results.
6. During the schedule for trial/evidence, if party wants to move list of additional witnesses or production of additional documents, then he has to send its copy in advance to other side. The process to be complete within the span of seven days so that the trial will continue on fixed date.

4.4 Observations for Assigning /shifting Cases: Thus in the suit for Injunctions, where different events may arise and time may increase. The time provided in the Code cannot be reduced but further extended time can be controlled by listing cases on day to day hearing or 07 days interval.

The interval periods between two

dates can be reduced but it depends upon the pendency of the court. The universal track is a preliminary track whereas the zig-zag track may be track that covers various events along with additional processes. More Zig-zag tracks may reflect need-vs.-wants as discussed by scholars in various reports that speaks the tactics to prolong the case by one of the party.

The backlogged cases might have traveled some distance so further processes can be made fast to reduce it. As per my studies, it is for the parties to co-operate to the court to expedite the cases including backlogged cases. If the case is simple then it can be decided on less time.

5. Observations for Assigning & Shifting cases of Tracks {As per Model Case Management Rules [day to day trial]}:

All objections, admissions/denial and ADR reference shall be before the framing Issues and then list the matter for trial on a date when the trial can go on from day to day and conclude the evidence[1]. As the events occurs, the case may require to shift from one track of another. [See Figure-10, Figure-11 & Figure-12].

For day to day trial as:

For Universal Track:

Figure-10:

Process/act/event	Time /days
Days up to Framing Issues	136
Framing Issues	01
Evidence Recording (day to day)	08
Arguments	02
Judgment	15
Total	162

For Diverted Track:

Figure-11:

Process/act/event	Time (A)	Event For Amendments	Time (B)
Days up to Framing Issues	136	For filing reply (one date)	01
Framing Issues	01	Hearing	01
Evidence Recording (day to day)	08	Passing Order	01
Arguments	02	Effecting amendment & Consequential Amendments	10
Judgment	15		
Total (A+ B) =162 +13 =175			

For Zig-Zag Track:

Figure-12:

Process/act/event	Time (A)	Event For Commissioner	Time (B)	Event(C) to Bring LR
Days upto Framing Issues	136	For filing reply (one date)	01	90
Framing Issues	01	Hearing	01	
Evidence Recording (day to day)	08	Passing Order	01	
Arguments	02	Filing Commissioner Report	10	
Judgment	15			
Total (A+ B+ C) =162 +13 +90 = 265				

Observations: The Universal, Diverted and zig-zag tracks can be concluded within two years (Track No.3 and Track No.4) period.

6. **Needs of Life Line Cycle:** I have observed that, the deadline for Track 3 & 4 can be

complied on scheduling case for 07 days intervals. But if more events occurred or where more parties are involved in a complex case, then more time will require. More time extension is not provided in the Model Case Management Rules but liberty is provided to

modify the rules [1]. In such circumstances, there is a need of provision to extent the time.

6.1 Use of Life Cycle Provided by Hon'ble Bombay High Court: The more zig-zag tracks cannot be concluded within time provided in Track 4. So as per my study, the life cycle provided by Bombay High Court may be useful for the cases that are channeled in the Track 4. I have called Life cycle as life line cycles. In an exception circumstances, the life line cycle can be used.

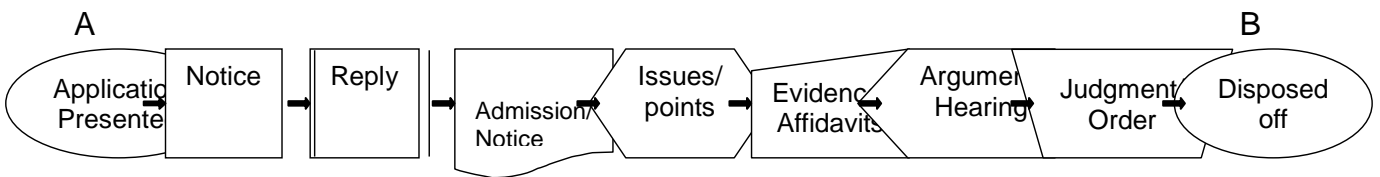
7. Fast Tracks: Study for Assigning and Shifting Civil Case in the Track No1 & 2 of the Model Case Management System

As per the Model Case Management Rules, Fast Track trial are also possible for day to day hearing of Track No.1 (within the period of 9 months) and Track No.2 (within

the period of 12 months). All objections , admissions/denial and ADR reference shall be before the framing Issues/points for determination and then List the matter for trial on a date when the trial can go on from day to day, conclude the evidence and disposed off case within deadline.[see Figure-13]. For the following cases [list not exhaustive], in addition to cases assigned in Track 1 & 2 by Model Case Management Rules:-

- 1) Small Claims, Civil applications, miscellaneous applications, execution proceedings.
- 2) Cases under Employee compensation Act, Industrial Courts, Labour Courts, Family courts (where Civil Procedure Code is not strictly applicable).

Fast Track [For Track No. 1 & 2]



Required Time for the Fast Track [see Figure-13]:

Figure-13:

Process/act/event	Time /days
Issuing Notice	01
Service of Notice	07
Filing Reply	30
Admission/Production of documents	07
Framing Issues/point for determination	02
Evidence Recording (day to day)	08
Arguments	02
Judgment	15
Total	72

8 Compartments-in-Tracks: As per the Model Case Management Rules, the period for Track No. 1 and 2 is 9 to 12 months [called as Fast Track]. For Track No. 3 & 4 are 12 to 24 months [Multi track cases for Universal, Diverted and Zig-Zag suits]. The working days for trial court is 245 days (average) in a year. In average the total working days in each month comes 20 to 22 days. The leaves taken by judicial officers,

vacation period, declared holidays has to consider for the calculations of the above months deadlines.

I have drawn a two compartments for the Fast Tracks & Three compartments in multi-track of civil suits [Universal, Diverted and Zig-Zag]. Last track is an exceptional track as life line cycles provided for the life cycle. [See Figure-14].

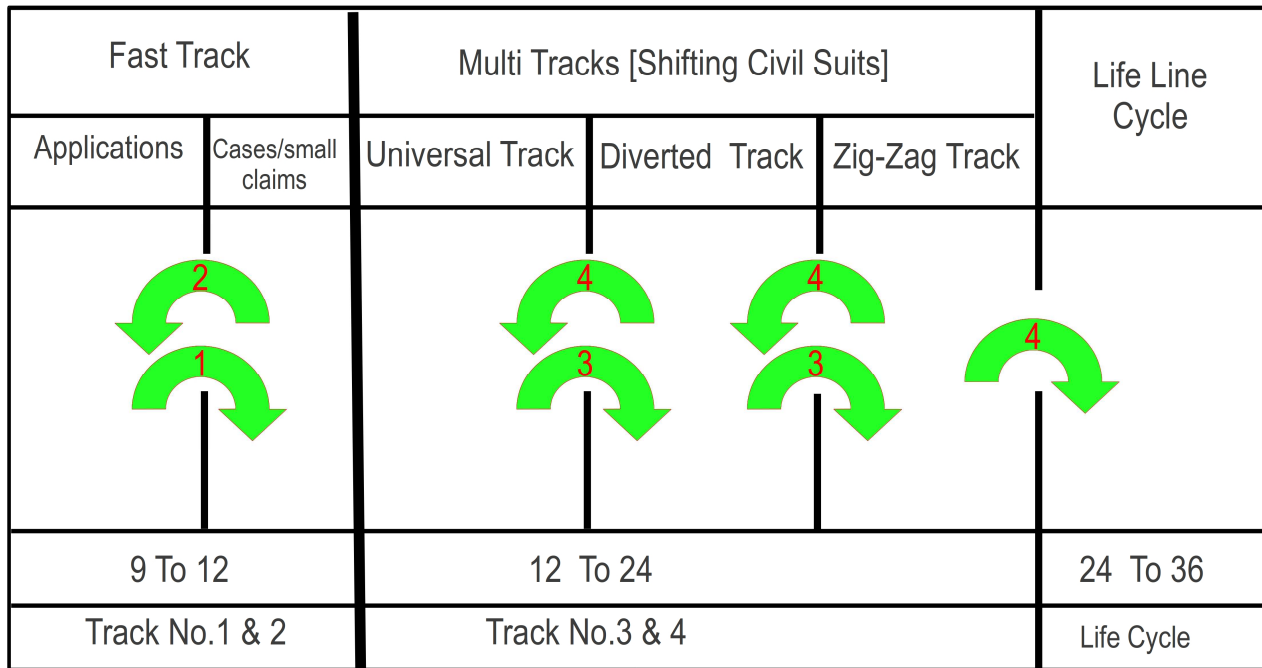


Figure-14:

Working of Fast Track to Shift Cases/Applications: The time difference between track 1 and 2 is for three months. The cases in the track no.1 has to disposed off within 09 months but in an exception environments it could be get extended period three months. The cases in track-2 has to be decided within 12 months period but it can be disposed off prior to the deadlines. Thus the anti-chamber of compartments for fast track wherein cases can flow in both directions.

Working of Multi-track of Civil Suits: The time for Track No. 3 and 4 is 24 months. In

the anti-chamber of compartments of multi-track civil cases [Universal, Diverted and Zig-Zag] wherein the flow of directions shows that, if the case in track No. 3 is not disposed of within 12 months then it has to decide within(Track 4) 24 months . The Track 4 can be decided within period of Track 3.

Life Cycle: If the case in track no.4 is not disposed of within 24 months then it has to be decided within 36 months (life cycle) and Life Line Cycle is the extreme deadline for disposing the civil suits.

9. Categorization of Suits and Proceedings into four Tracks [case listing for channeling into different tracks is not exhaustive—See Figure-15]:

Figure-15:

Track-1 [Fast Track]	Track-2 [Fast Track]	Track-3[Multi Track]	Track-4 [Multi Track]
(1) Maintenance cases (2) Child custody cases (3) Cases relating to appointment of Guardian and Wards (4) Adoption cases (5) Cases relating to Visiting rights (6) Letters of Administration (7) Succession Certificate (8) Rent control (9) Civil Miscellaneous Applications (10) Rent Control (11) Money suits including Small Causes Suits and Recovery of Rent (12) Misc. Applications	(1) Execution cases, except those for attachment and sale of immovable (2) All matrimonial cases (3) Ejectment suits (4) Industrial & Labour Court cases (5) Employee Compensation Act (6) Reference	(1) Suits seeking Declaration (2) Suits for specific performance (3) Easementary suits (4) Insolvency cases (5) Suit for Accounts (6) All other category of execution proceedings other than the one mentioned under Track-2. (7) All injunction suits (temporary/mandatory / permanent injunction)	1) Partition suits (2) Suits for possession (3) Trust property cases (4) Suits for damages
Maximum within 9 months	Maximum within 12 months	Maximum within 24 months	Maximum within 24 months.

9.1 Findings for the Tracks[channeling, shifting and assigning cases] : From the above imaginary study for 07 days interval between two dates and time provided by the Civil Procedure Code for certain acts , it clearly shows that, the life of case depends upon various factors like number of parties and number of events wherein some events cannot be predicted. So mere providing a time bound mechanisms for particular categories of cases are not sufficient. The case might have been changed in the tract but it may require to assign, shift as per the process, events and acts. It is also clear that, the parties may consume less time than the time provided in certain provisions of Civil Procedure Code.

10. Time Management: Time Management is nothing but to make the best use of time by setting priorities and manage time to meet daily deadlines from cause list. Categorization of the cases depends upon the workload in the

court. The time required for the judicial and non-judicial work along with administrative work has to be calculated by judge day, judge year etc.

11. Preparation and Calling the Cause-list / daily Board: - Preparation of cause list is a combination of case management and time management.

The Hon'ble Apex court observed that, The Judge shall ascertain the availability of time of the Court and will list the matter for trial on a date when the trial can go on from day to day and conclude the evidence. Where parties/counsel are not attending before the Court-officer or are defiant or negligent, their cases may be placed before the Court. Listing of cases on any day before a Court should be based on a reasonable estimate of time and number of cases that can be disposed of by the Court in a particular

day. The Courts shall, therefore, dispense with the practice of calling all the cases listed adjourned to any particular day. Cases will be first listed before a nominated senior officer of the Court, nominated for the purpose [1].

11.1 The Current position of listing cases in cause list/daily boards: Few Guidelines is provided for listing moderate cases. Some attempts are made under a CIS computerized systems for chronological method.

If a large number of cases are listed then most of the cases remains unattended. Even if a short cause list is fixed then it is often not possible to know, until the case is called, whether parties will appear or not? , What steps them will take?

11.2 Preparing cause list& distribution of work:-

The Hon'ble Apex court observed that, the judicial officer has to decide whether case in his hand is ordinary or complex. The judge has to decide the number of cases on the daily board of his court. He has to balance entire listed cases. The board for each date should be balanced and should not be overburdened. The judge has to set goals to decide what tasks and activities are to be carried out. He has to complete the business process of the case that was fixed on the date [1].

The Tamil Nadu (Case flow Management in Subordinate Courts) Rules, 2007 speaks that the Presiding Officer shall cause the preparation of two cause-lists of the cases for the calling work every day. Any application seeking for emergent orders in any matter pending in List II has to place in the List I or at any time before the Judge [Table-1 by Tamil Nadu High Court].

11.3 Scheduling Cause List- Suggested System: - The one of the most elemental of time management is to control the cause list. While making a schedule for cause lists, it is necessary to take the opinion of the court

staff, advocates appearing in the concern cases.

11.3.1 Steps for scheduling cause lists: The Judicial Officer To:-

1. Analyze the current working scheduling and time spending in the current process.
2. Frame time scheduling as per the cause list of the day.
3. Record his own activities by keeping a detailed record, so he can analysis his activities in depth.
4. At the end of the day, to draw up the action plan for the next day.
5. Ccontinue the analysis for a period of Week.
6. Proceed for next week. Continuously compare the previous weeks succeeds planning to schedule for the next week.
7. Schedule the activities for the period of months. From the assessment, he can schedule the planning for next month's periods also and can review progress and may make necessary adjustments in the scheduling.

11.4 To manage time for the activities :-

The judicial officer has to find out the probable time that will be required to complete the activities within the day and has to make continuous efforts in making high speed in the working. He has to consider the time that will be required to decide the interim/urgent relief works. As far as possible it is necessary to schedule most complicated tasks work in the morning session time.

For example:-

- 1) Time for recording evidence.
- 2) Time for granting adjournments.
- 3) Time for hearing of the case.
- 4) Time for case management.
- 5) Time for core functions and ADR.
- 6) Time for the administrative work.

11.4.1 Practical Points for scheduling Time: Time management is a skill of a judicial officer to manage his time effectively. The judicial officer to:-

1. Save time to achieve goals.
2. Know, what he wants from the scheduled time for the case in hand and the cause list for the day.
3. Decide whether the case of his hands is ordinary or complex.

The Cause list may contain four types of cases :(1) urgent and important (2) not urgent but important (3) urgent but not important (4) neither urgent nor important.

To prepare two lists as [Example]:-

List-I:

Judgment.
Final Argument.
Evidence of the Parties.

List-II:

Hearing on interlocutory / interim /miscellaneous applications.
Order of interlocutory / interim /miscellaneous applications.
Issuing certificates.
Summons /Notice.
An appearance by the parties.
Filing Say/Written statement/counter claim.
Issues.
To Refer at ADR.
Other stages.

12. Calling Cases by the court: In the rules framed by high court, it is discussed that, List I has to be called at first sessions. Listing of cases on any day before a court should be based on reasonable estimates of time and number of cases that can be disposed of by the court in a particular day. The Hon'ble Apex Court pleased to discuss that, the judge shall ascertain the availability of time of the court and will list the matter for trial on a date when the trial can go on from day to day and conclude the evidence[1].

12.1 Current Position: The general method is to call the daily board as per the prepared cause list/daily boards. There is no uniform procedure for calling the cases of the court.

12.2 Suggested System: To manage the time is a skill of the judicial officer. He has to develop a practice as per the experiences in the Case Management Rules.

Few points:

1. At the beginning of the day, it is not possible to know with any certainty which matter will be heard at all and which will require significant time and attention. Hence it is necessary to call as per the cases schedule to avoid adjournments by the parties or the court.
2. First board will be called in the first session of the court. Second board will be called in the second session. In a List I, fix maximum 20 cases. Out of it, call first five cases. The work of the first five will be completed then to call the next five cases. But it is depending upon the pendency of the court.
3. Try to schedule cases in cause lists that can be called on that day. Find out the important stages in the cause list and priorities it. List tasks that can be done quickly and easily. Club the sister cases to batch tasks for evidence recording together .Focus on the task that has to be carried out exclusively by judicial officers. Look at daily goals. Does not a jump from one task to another. Review priorities after completion of cause lists. Focus on reducing the number of tasks for the future date. According to my study, the judicial officer has to maintain To-Do list and Activity Logs to achieve the goals in the Case Management Rules or Life Cycle.

To-Do List: Write down all the tasks that need to complete. Do task allocating priorities as discussed above, so that it will be possible to differentiate between urgency and importance.

Activity Logs: For calculating use of own

time and for tracking the time that spend on task or business process requires activity logs. Activity log/diary is to record, how the time is spending. If it is properly understood, how the time was used in court business then it is possible to minimize or eliminate low value activities. It is easy to maintain like a diary maintenance with Date/time, activity description, duration etc. After few days, analyze the activity logs.

13. Preparation of Statistical report : The Apex court pleased to observed, Once in a month, the registry/administrative staff of each Court will prepare a report as to the stage and progress of cases which are proposed to be listed in next month and place the report before the Court[1].

Statistical Data for case processing:

i)] Time required to dispose off cases.

ii) Number of cases disposed of as per schedule.

14. Measurement of compliance with the standards provided in the Model Case Management Rules:

- Judicial officer to identify and give appropriate attention to cases that are not proceeding in a manner that will ensure their disposition within the time standard.
- To take the time needed to do individual justice in cases when additional time is needed.

15. The tools for performance measurements are:

1. **Clearance Rate:** A clearance rate is the number of outgoing cases as a percentage of the number of incoming

cases.

2. **Time to dispose off the case:** The percentage of cases disposed or otherwise resolved within established time-frames.
3. Pending backlog and caseload.

16. On-line software:-

The Hon'ble Apex court pleased to observe that, where computerization is available, the monthly data will be fed into the computer in such a manner that the judge, will be able to ascertain the position and the stage of every case in every track from the computer screen. Over a period, all cases pending in his Court will be covered. Where computerization is not available, the monitoring must be done manually. The judge shall monitor and control the flow or progress of every case, either from the computer or from the register or data placed before him in the above manner or in some other manner he may innovate [1].

Flow Charts of tracks shows development of life cycles. The higher authorities may measure progress of the track or any other baseline. With the help of collected statistical data it is possible to develop the case management for reducing/increasing the period of intervals between two dates.

16.1 Software for the studied case [Track 3 & 4 with Life Cycle]: After the registration of case in CIS, then case be inserted into Universal Track. Then schedule the case for seven days interval as per the Yearly Court Calendar. The track circuit will show the probable date of disposal. On the insertion of new events, it will automatically increase its time and further dates to be automatically scheduled. Thus the case may shift into Diverted Track, Zig-Zag Track or Life line Cycle. The judicial officer can easily handle & monitors the case circuit track only clicking

over the stage. Future date or process will automatically continue. Future cause list will also automatically update. In short, such on-line software, will be user-friendly (more beneficial to judicial officers and Court Staff) & easy to assign case in the track, shift the case in the track, manage the time, monitor the progress, creates future cause lists. There should be provision to extend the scheduled dates as per the leave/vacation taken by

judicial officer, declaration of holidays.

Example: Suppose the case has to be decided within one year. The judicial officer to click over the stage of the fixed date at Daily board/cause list. In case of occurring an event, he has to add the event. As soon as the order is passed, the alter signal will go to the concern court staff with its limitation to comply (as per the schedule) [see Figure-16].

Figure-16:
Cause List for Court No.....Dated 01-01-2013

Sr. No.	Case Number	Name of Plaintiff	Name of Defendant	Stage	Next Date
1	30/14	Ratan	Vimal	Issue Process	
2	43/13	Durga	Gajanan	Written statement	
3	16/12	Tukaram	Dhondu	Issues	
4	91/10	Arun	Vishwanath	Amendment	
5	30/11	Kaaduba	Manish	Evidence	

[As soon as user CLICK over the CASE in the cause list/daily board, the Track circuit will be automatically display on screen. Next operation has to be carried out at Track Circuit. As soon as the process/event/act for the fixed date is completed, the column for STAGE and NEXT DATE will be automatically updated]

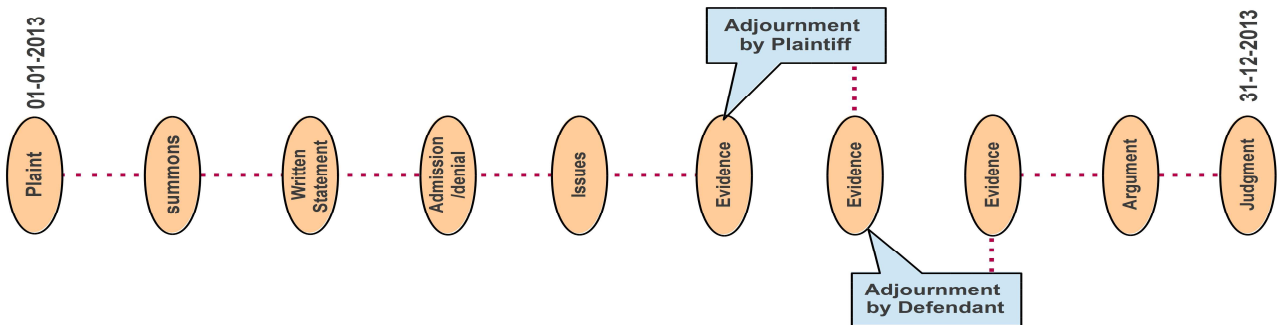
The Track-circuit will be handles by Judicial officer and concern court staff. It will automatically update the days required to

dispose of the case. On the website of the court, the track-circuit of the case will show the updates and events with its summary so that the litigants will come to know the time consumed by them for each event. *[As the Judicial officer has to assign/shift and monitor the case, as per scheduled time, so it is necessary that the software should be user-friendly and as per my studies the track-circuit will be more user-friendly. For this purpose more research is necessary. The example explained below is only for illustrations—See Figure-17].*

Figure-17:

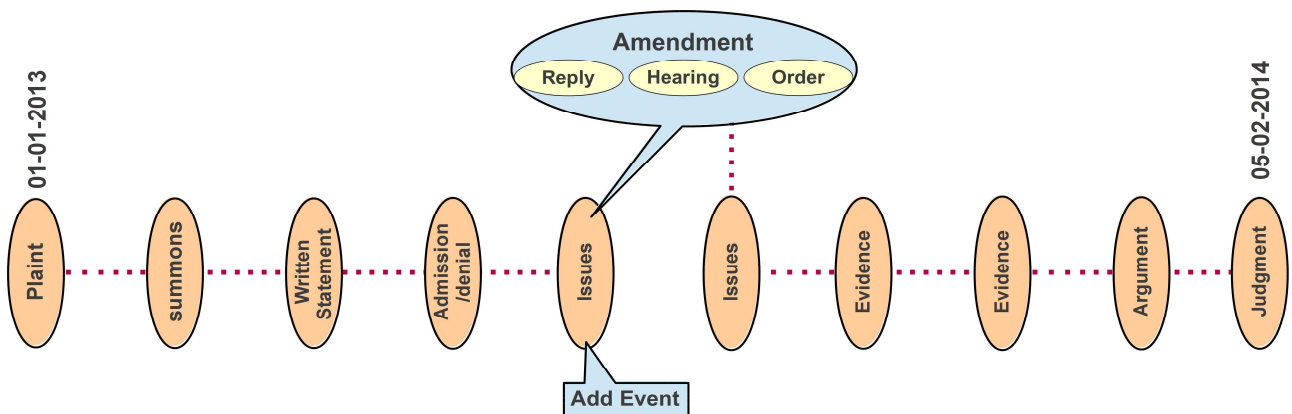
Add Events[List not exhaustive] :	10.Adjournments granted in the interest of justice[with specific reason by judge]
1. Adjournment by plaintiff 2.Adjournment by defendant 3. Amendment by plaintiff 4.Amendment by defendant 5. Bring legal heirs 6. Commission	11. Paper publication for summons 12. Judge is on leave 13.Adjournments by witness 14. Production of documents by plaintiff 15.Production of documents by defendant 16. Objections for jurisdiction
7.Reference to ADR 8.Addition of party 9.Deletion of party	17. Application for time to comply order 18. Transfer of suit 19. Clubbing two suits

Step-I: Only one adjournment was taken by each party each. As the adjournments/acts period is considered so, on adding event for adjournments, time will not increase.



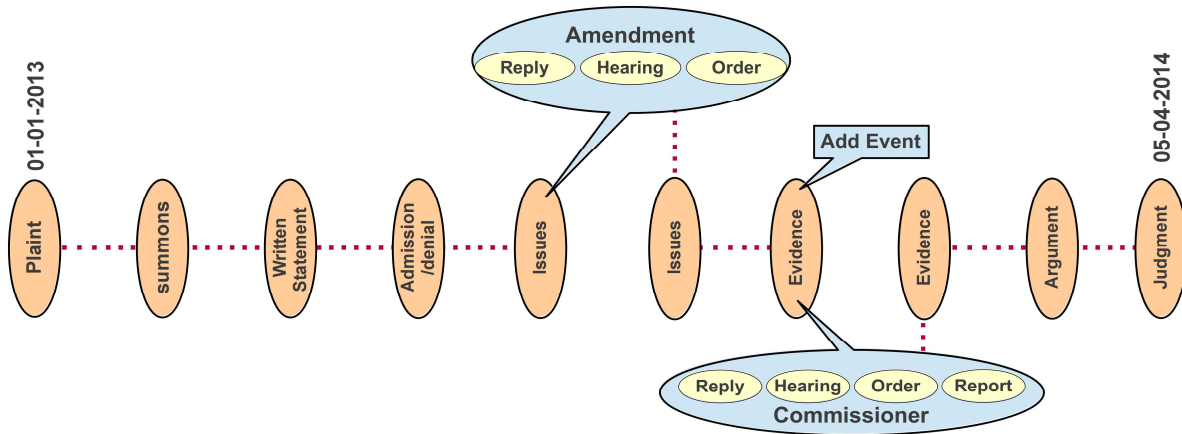
Step-II: When the case was fixed for framing issues, the plaintiff moved application for an amendments in plaint. On adding the event for an adjournments, further steps upto consequential amendment will show

automatically towards the side of the main track circuit. Then again the case will move to main track and will be fixed for the stage as per the Civil Procedure Code.



Step-III: Now at the stage of evidence, the plaintiff moved an application for the appointment of the commissioner for the local inspection of the spot. So the event is added. Further steps upto filing reports by the

commissioner will show automatically towards the side of the main track circuit. Then again the case will move to main track and will be fixed for the stage as per the Civil Procedure Code.



16.2 Software for the studied case [Track 1 & 2-Fast Track]: For fast track cases the judicial officer to set a timetable for the steps upto framing Issues/point for determination and then fix the trial date. Court may issue notice for the drawn schedule to the litigants. Track Circuit would be as per the Step-I as

discussed above.

16.3 Display of data for Time Consumed: The track circuit will show the summary for time consumed/consuming by the parties, court process, events etc. [see Figure-18.

Figure-18: [Summary for Track-circuit: The summary will display at the bottom of the track circuit at screen. It will show the time consumed/consuming by the case.]

Process /events/acts	Consumed Dates	Consumed Days
Adjournments by Plaintiff	02	14
Adjournments by Defendant	02	14
Case Adjourned as Court time over	01	07
Judge on leave	01	07
Adjournment by Witness	01	07
Amendment by Plaintiff	04	35
Commission for Local Inspection	05	58
Total Time Consumed :		
1.By Plaintiff	-----	-----
2.By defendant	-----	-----
3.By witness	-----	-----

17. Need of Online Case Management:

Categorization of cases by the judicial officer may depend upon the workload of the court. A computerized software may be helpful to assign & shifts the tracks without spending more time.

At the website, the track circuit should be visible to the parties, so that the parties will be aware about the progress of their case. It is necessary to record the time consumed by individual cases of each date. Calendars and Reminders may make sure judicial officer and advocates will never miss an important date. The diary system may provide a powerful tool that can be set up to allow actions to be carried out automatically.

The online software is to give the court personnel an ability to review basic information about each case, tracks, identify critical events and dates, and keep a running chronology of case status and progress. It has to provide a facility to create an audit trail in log files.

It may be useful as:-

To Judge: In a case management, the judicial officer has to carry out tasks like categorization of cases, assignment of track, shifting tracks, preparation of cause list, calling cases. At present there no provision for recording the time spends on the case of fixed a date. The case may have to call for more time and for that purpose it is necessary to record the time spent on the case. In short, now maintaining the memorandum of Civil Manual is not sufficient, now there is a need to adopt modern technology.

To court Staffs: The court staff has to carry out many acts for the execution of the orders passed by the judicial officer. If a deadline is given to such acts then software programs to give alter signals to comply such acts.

To litigants: At the website for case information system, it is necessary to show the flow chart for the Track. It should show

the tentative time will be required to dispose off the case. As soon as the time increases for any reason, then the online track circuit will show the increased time and its cause. It is also possible to explain the meaning of each act, process, and event (in short).

18. Need of Research Work In Court Process:

The following aspects wherein more research is necessary:-

1) If expert opinion is required before sending a case to ADR then there should be provision in ADR Rules.

2) If some issues are settled before ADR, then the rest of issues to be sent for trial. [This may not be as per ADR Rules but it may be useful for reducing the period of the case].

3) It is necessary to impose costs of the adjournments by the parties. But if one of the party that win the case, prolonged the matter/trial by moving applications for compliance with acts and process, then it is necessary to make provision that the party will not entitle to the interest/benefits on the amount for delayed period. If opposite party delayed the case then there is a need to make provision for imposing more costs of the decree/preliminary decree. This may not be as per Rules but it may be useful for reducing the period of the case. The Hon'ble Apex Court pleased to discuss that, if any of the parties has unreasonably protracted the proceedings, the Judge should consider exercising discretion to impose exemplary costs after taking into account the expense incurred for the purpose of attendance on the adjourned dates [1].

4) To avoid Zig-Zag Track or Life Cycle, it is necessary that, all pleas for the suit, example: Jurisdiction, non-joinder & mis-joinder, Addition of parties, the appointment of the commissioner for local inspection or scientific investigation, Limitation to suit etc. except Amendment in pleading, Bringing legal heirs on record, be determined before framing the

Issues ,at once.

19. Recommendations:-

a) As the individual court has to prepare cause lists of its schedule therefore it is necessary to make a provision in the CIS:-

1. To carry out the on-line court business.
2. The need for an electronic case flow and diary system.
3. Use of audio recording & video conferencing.
4. In all courts there are a need of the uniform system.
5. Ability to monitor the business course of proceedings by off-line and on-line and there should be a system to monitor the cases with an excessive length and an alert system which enables Judicial officers to take proper action.

b) The higher authorities have to establish standards for the duration of proceedings for civil suit.

c) To establish Regular or Evening/Morning Fast Track courts.

20. Following is requirements to achieve the goals:

1. Need of Human resources and infrastructures as discussed in various reports.
2. Caseload policy that includes identifying simple or complex case with events identifications.
3. Case management & case-flow policy.
4. Time management.
5. Performance Appreciation policy.

Conclusions: The case management system will allow to judge, lawyers, and individuals to collaborate in real time online with case and court documents. The Civil Procedure Code does not prevent from implementing a case management system. Therefore, it is necessary :(1)To involve the stakeholders in

designing , implementing and modifying the system (2) To prepare a case processing Tracks (3) Identify the issues at the earliest stage (4) Decide the need of events and time for completion of events (5) Fix a time table to control the case progress (6) To develop time frames and events (7) Encourage the parties to reduce a delay and to settle matters before ADR (8) Use the modern technology for the monitoring system.

As per my study, mere providing a time bound mechanisms for particular categories of cases of Tracks are not sufficient. At the individual court level, it is necessary to make a detailed plan in the act wise & cases wise for the judicial business process and court business process. The stakeholders have to cooperate with the court in executing such individual plans for individual courts. If all stakeholders cooperate to the court then the life of a case can be reduced than the period provided with the Model Case Management Rules or Life Cycle. Considering the environments, the judicial officer may fix a case less times than any deadline; subject to time provided in any Act/Code.

Now the process of online cases filing is in progress, therefore if the On-line case management is provided, then it will be helpful to all stakeholders.

For executing any system to reduce backlogs of cases, it is necessary to remember that, *“While laying stress on the urgent need of elimination of delay and reduction of backlogs, we cannot afford to act in undue haste so as to substitute one evil for another one [5]”*.

Citations:

[1] Salem Advocate Bar ... vs. Union of India, decided on 2 August, 2005, <http://indiankanoon.org/doc/342197/> , AIR 2005 SC 3363

[2]Got works on right to time-bound justice

<http://archive.indianexpress.com/news/govt-works-on-right-to-timebound-justice/732386/>

[3]Case Cycle -Suits

http://court.mah.nic.in/courtweb/static_pages/casecycle.php

[4] Information Centre - FAQ about Court

http://court.mah.nic.in/courtweb/static_pages/faq.php#rm-msg2

[5]JUSTICE SOBHAG MAL JAIN MEMORIAL LECTURE ON DELAYED JUSTICE TO BE DELIVERED BY HON' BLE SHRI Y. K. SABHARWAL,

CHIEF JUSTICE OF INDIA ON TUESDAY, THE 25TH JULY, 2006

http://www.highcourthd.gov.in/sub_pages/left_menu/publish/articles/articles_pdf/Delayedjustice.pdf

Reference:

[1]NATIONAL MISSION FOR DELIVERY OF JUSTICE AND LEGAL REFORM

http://lawmin.nic.in/doj/justice/National_Legal_Mission-7NOV2009.pdf

[2] Website for Karnataka High court

<http://www.kar.nic.in/fnjpc/report1a.html>

[3]Chief Justice's Conference-2013[April 05-06, 2013]

http://supremecourtfindia.nic.in/outtoday/resolution_cjc2013.pdf

[4] Court Management: A prospect:

http://www.allahabadhighcourt.in/event/court_management_a_prospect.html

[5] Website by Gujarat High court

<http://gujarathighcourt.nic.in/Articles/mgtcourtcases.htm>

[6]Civil Manual by Bombay High Court -

http://court.mah.nic.in/courtweb/static_pages/

[page5.php](#)

[7]Criminal Manual by Bombay High Court -

http://court.mah.nic.in/courtweb/static_pages/page5b.php

[8] National Litigation Policy-

http://www.google.co.in/url?sa=t&rct=j&q=&esrc=s&source=web&cd=7&ved=0CEQQFjAG&url=http%3A%2F%2Fflawmin.nic.in%2F1a%2Fnlp.doc&ei=csahU63nN8KwuATLg4KQCw&usg=AFQjCNFyQvYwKzN_1Ali-Z01vx9atq2FWA&bvm=bv.69137298,d.c2E

[9] Niranjan Sarkar vs. Swapna Dam, 1998(1) CCC 140 (Gau)

[10] Rajesh Batia vs. G.Parimala, 2006(3) ALT 129

[11] Desi Kedari vs. Huzurabad Co-Operative Markting Society Ltd, 1994 (2) ALT 539 (DB)

[12] V.N.Shivaram vs. B.M.Nagappa, AIR 2003 Karn 18

Abbreviation :

C.P.C.= Civil Procedure Code,1908

Cr.P.C.= Criminal Procedure Code, 1973

CIS = Case Information System

MRTU & PULP = The Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act,1971

Roznama :- Daily history of the case.

Bhatta :- Diet and traveling allowance

Bailiff:- Process servicing amount.

Pendency : pending cases.

Table -1 For civil proceedings before the subordinate civil courts and Tribunals ,The Tamil Nadu (Case flow

Online Court-Case Management - Need of the Hour [Suggested Method for Subordinate Civil Courts]

Management in Subordinate Courts) Rules, 2007, are framed in view of Salem Advocate Bar Association, Tamil Nadu—vrs-- Union of India.

This rules categories the suits and proceedings into four Tracks:

(a) List of Cases to be dealt under Track-I:	(b) List of cases to be dealt under Track-II:	(c) List of cases to be dealt under Track-III :	(d) List of cases to be dealt under Track-IV:
(1) Maintenance cases (2) Child custody cases (3) Cases relating to appointment of Guardian and Wards (4) Adoption cases (5) Cases relating to Visiting rights (6) O.Ps. relating to Letters of Administration (7) Succession Certificate O.Ps. (8) Rent control O.Ps. (9) Civil Miscellaneous Appeals (10) Rent Control Appeals (11) Money suits including Small Causes Suits and Recovery of Rent (12) Mental Health O.Ps. (13) Transfer O.Ps. (4) O.Ps. by indigent persons (i.e. 'informa pauperis' O.Ps.) (15) E.S.I. O.Ps	(1) Execution cases, except those for attachment and sale of immovables (2) All matrimonial cases (3) Ejectment suits (4) All injunction suits (temporary/mandatory / permanent injunction) (5) MACT.OPs. (6) LA.OPs. (7) SFC.OPs. (8) Arbitration O.Ps. (9) O.Ps. under Public Premises Act	(1) Partition suits (2) Suits seeking Declaration (3) Suits for specific performance (4) Suits for possession (5) Appeals other than C.M.As. and R.C.As. (6) Suits for damages (7) Easementary suits (8) Cases relating to Trademarks 8 Passing Off, Copyrights, Patents (9) Cases relating to Intellectual Property rights (10) Trust property cases (11) Insolvency cases (12) Suit for Accounts (13) All other category of execution proceedings other than the one mentioned under Track, (14) Suits for altering or cancelling or adding entries in the Registers	Such other matters not included in Track-I to Track-III shall be posted in Track-IV.
Maximum within 9 months	Maximum within 12 months	Maximum within 24 months	Maximum within 24 months.
at the request of the parties and for valid reasons. can dispose of the case early, irrespective of the Track norms prescribed	at the request of the parties and for valid reasons. can dispose of the case early, irrespective of the Track norms prescribed	at the request of the parties and for valid reasons. can dispose of the case early, irrespective of the Track norms prescribed	at the request of the parties and for valid reasons. can dispose of the case early, irrespective of the Track norms prescribed
where the time is stipulated for disposal of any Case/Suit/Proceeding in the Civil Procedure Code / Statute / Rule / Regulation / Government Order / High Court Circulars. such case / Suit / Proceeding is to be disposed of as stipulated in the Civil Procedure Code / Statute / Rule / Regulation / Government Order /High Court Circulars.	where the time is stipulated for disposal of any Case/Suit/Proceeding in the Civil Procedure Code / Statute / Rule / Regulation / Government Order / High Court Circulars. such case / Suit / Proceeding is to be disposed of as stipulated in the Civil Procedure Code / Statute / Rule / Regulation / Government Order /High Court Circulars.	where the time is stipulated for disposal of any Case/Suit/Proceeding in the Civil Procedure Code / Statute / Rule / Regulation / Government Order / High Court Circulars. such case / Suit / Proceeding is to be disposed of as stipulated in the Civil Procedure Code / Statute / Rule / Regulation / Government Order /High Court Circulars.	where the time is stipulated for disposal of any Case/Suit/Proceeding in the Civil Procedure Code / Statute / Rule / Regulation / Government Order / High Court Circulars. such case / Suit / Proceeding is to be disposed of as stipulated in the Civil Procedure Code / Statute / Rule / Regulation / Government Order /High Court Circulars.

Table -2 The Karnataka (Case Flow Management in Subordinate Courts) Rules 2005

Track 1	Track 2	Track 3	Track 4
suits on maintenance, child custody, appointment of guardians and wards, visiting rights, letters of administration, succession certificate, recovery of rent and permanent injunction	cases on execution, divorce and ejection	to partition, declaration, specific performance, possession, mandatory injunction, appeals, damages, easements, trade marks, copy rights, patents and intellectual property rights	Cases that are not in any of the three categories are included in the fourth category
Disposal in 9 months	Disposal in 12 months	Disposal in 24 months	Disposal in 24 months. The presiding officer, however, has the right to dispose of the case earlier.

Table-3 High Court of Himachal Pradesh Case Flow Management (Subordinate Courts) Rules, 2005

Division of Civil Suits and Appeals into Tracks:

Track 1	Track 2	Track 3	Track 4
Suits for maintenance divorce and child custody and visitation rights grant of letter of administration and succession certificates simple suits for rent or for eviction (upon notice under section 106 of Transfer of Property Act	Money suits suit based solely on Negotiable instruments	Suits concerning partition and like property disputes trade marks, copy rights and other intellectual property matters	Other matters
Within 9 months	Within 12 months	Within 24 months	Within 24 months

Table-4 Trial Courts and First Appellate Subordinate Courts (Under the Gauhati High Court) Case Management Rules, 2007, it is case flow management in the subordinate Courts.

Division of Civil Suits and Appeals into Tracks : Based on the nature of dispute, the quantum of evidence to be recorded and the time likely to be taken for the completion of suit, the suit shall be channeled into different tracks :-

Track1	Track2	Track3	Track4
Suit for maintenance, divorce and child custody and visitation rights grants of letter of administration and succession certificate simple suits for rent or for eviction (upon notice under section 106 of Transfer of Property Act	Money suits , suits based solely on negotiable instruments	Partition and like property disputes, trademarks, copyrights and other intellectual property matters	Other matters
Within 9 months	Within 12 months	Within 24 months	Within 24 months

Table-5 Civil Procedure Code , 1908-

Section / Order/Rule	Status of time to pass order	Section / Order/Rule	Status of time to pass order
Order III Rule 6	No deadline for a specified time	Order IX Rule 8	No dead line to pass order
Order V Rule 1	No deadline to prepare the summons by clerk	Order IX Rule 14	No dead line to prepare notice and to fix the date.
Order V Rule 6	No time limit for service of summons	Order XIII	Admission, denial, discovery etc no fix date to pass order.
Order V Rule 9 (5)	No deadline to declare the summons is served after 30 days.	Order XIV	No dead line to frame issues
Order V Rule 20	If the summons is served by any mode then court to pass order but dead line within what dates to pass it	Order XV	no time limit to pronounced judgment
Order VI Rule 18	No dead line for further extension of time.	Order XVI	No dead line to prepare summons and serve it. No dead line to fix case for witness.
Order VII Rule 10-A and 10-B ,	No deadline for fixing the date.	Order XVII Rule 1	No deadline for granting length of time
Order VII Rule 11	No deadline to fix the date or extended the date	Order XVII Rule 2	No deadline to pass order. No deadline to produce evidence
Order VII Rule 12	No dead line to pass the order for rejection of plaint.	Order XVII Rule 3	No deadline to pass order.
Order VII Rule 14	No deadline to file translations.	Order XVIII Rule 2	No dead line to fix and adjourning
Order VIII Rule 10	No dead line for fixing the the date.	Order XVIII Rule 3D	Fix such time-limit for the oral argument- No dead line
Order IX Rule 1	No dead line for future date fixing.	Order XVIII Rule 4 (5)	No deadline for extending time.
Order IX Rule 2	Failure to pay Process fees within time etc ---but no dead line to pass order	Order XX Rule 6A	No monitoring for preparation of decree
Order IX Rule 3	No deadline time to pass such order	Order XXI Rule 22	No dead line for preparation of Notice and time to fix for return of the service of Notice
Order IX Rule 5	No deadline to pass order that suit is dismiss	Order XXXIX	No deadline for filing reply
Order IX Rule 6	<ul style="list-style-type: none"> No dead line to pass order for (a)(b)(c) 		

Table -6 In Civil Manual there are material business process:-

Online Court-Case Management - Need of the Hour [Suggested Method for Subordinate Civil Courts]

Serial No.	Court Business Process
1	No limit for fixing cases in cause list /daily board & no provision to give priority to cases in the sequence of calling the matter by the court.
2	There is no provision for more time for administrative work if the administrative work is more than the predicted time.
3	The four types of categories, (i) Regular Suits; (ii) Small Cause Suits; (iii) Special Suits ; and (iv) Summary Suits ,does not speak for the evaluation of nature of case as complex or simplex.
4	Roznama does not speaks time consumed for the proceedings taken in it.
5	Memorandum shows the presiding Judge what work is fixed for any particular day, it never speaks the time consumed for the court business process or priority given to the cases as per cause list or daily board.
6	No specific provision is made to show that, the sequence of calling cases by the court or the sequence of cases called by the court and time consumed for the particular business in the called case and carried effective working in the called case.
7	Issue and Service of Summons to Defendant speaks for return of summons but it does not speak specific limit for days to serve the summons or for preparation of summons. In case of the summary suits, it is provided that, No specific date for return of the summons should be given. Both rules does not speak, within time limit to the Court to determine whether the service is good or bad.
8	What is time limit to pass order for ex-parte against the party who remains absent as per order IX of Civil Procedure Code.
9	There is no time limit for the court to proceed under order VII Rule 10 of Civil Procedure Code, as it thinks just and proper.
10	Time limit is not fixed for framing Issues by the Judge.
11	No time is fixed for filing affidavits on any point of formal nature.
12	For filing affidavits by the parties as per amended Civil Procedure code, there is no fixed time to file affidavit after framing Issues.
13	No time limit for verification of witness affidavits and for exhibiting documents are provided.
14	For cross examination, some instructions are given to control it, but the time consumed in recording cross examination is not provided.
15	No provision to file commission report within time for local inspection.
16	Most of time consumes in the miscellaneous proceedings and no time limit is given to dispose of such proceedings requires judicial inquiry or not requiring judicial inquiry. There is no provision to give priority in the sequence at cause-list /daily board.
17	No time limit to decide applications like amendment in pleading, striking of defence , appointment of commissioner , recalling witness.
18	Time limit is not fixed for business process in the execution of decrees.