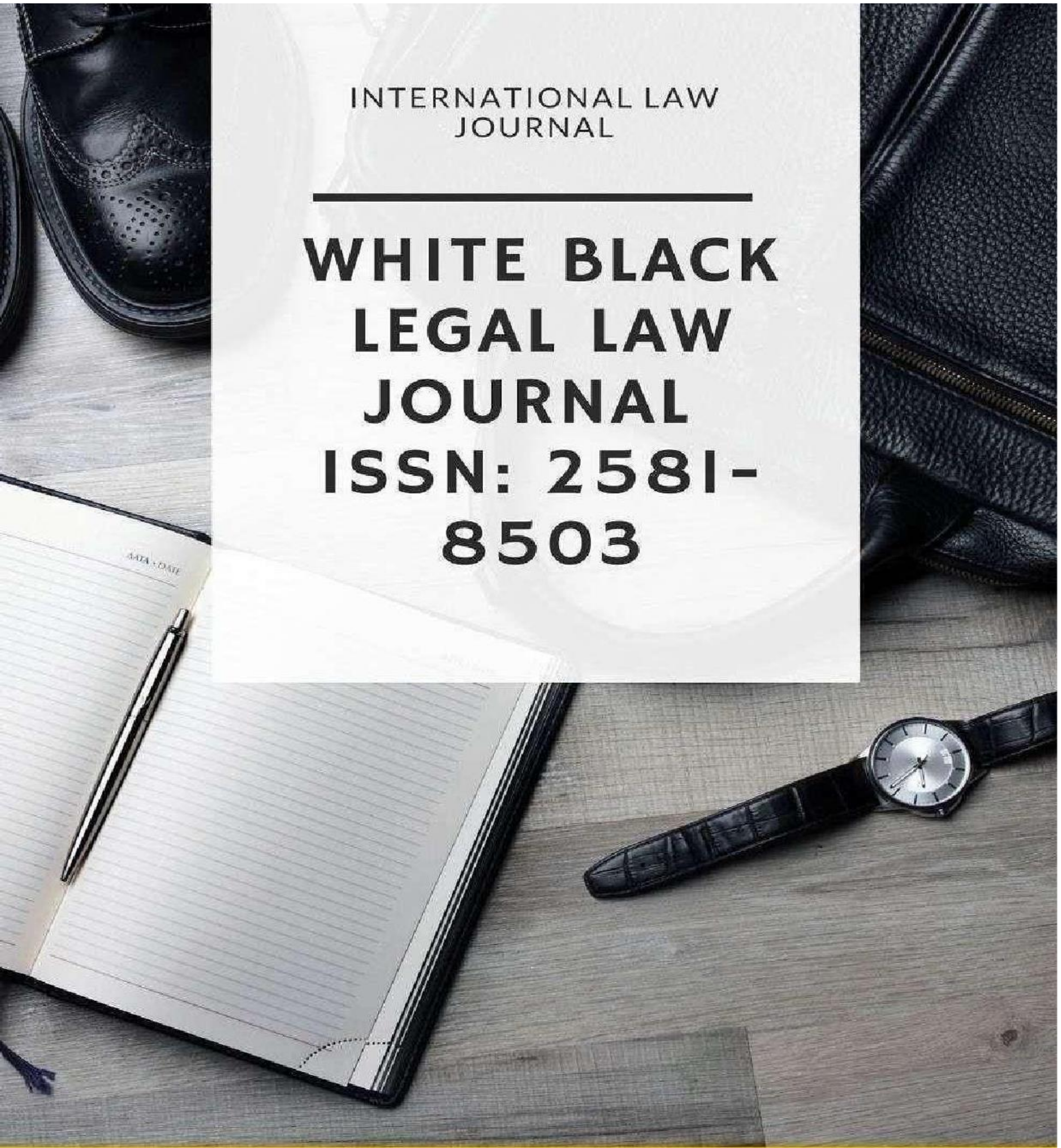

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DELAY IN CIVIL LITIGATION IN INDIA: CAUSES, CONSEQUENCES AND LEGAL REMEDIES

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ABSTRACT

Delay is not a peripheral inefficiency in the Indian civil justice system; it is, on the evidence, close to its defining structural feature. With over 5.34 crore cases pending nationally as of late 2025 — the overwhelming majority in district and subordinate courts, where only 38.7 per cent of civil cases are disposed of within a year — the promise of timely civil adjudication implicit in Article 21 of the Constitution remains substantially unrealised for the ordinary litigant. This paper undertakes a doctrinal and analytical examination of the causes, consequences and legal remedies for delay in Indian civil litigation. It traces the principal legislative interventions designed to address delay — the 2002 amendments to the Code of Civil Procedure, 1908, the Commercial Courts Act, 2015, and the Mediation Act, 2023 — and evaluates their record of implementation against the Supreme Court's own repeated interventions, culminating in the Court's March 2025 judgment in Periyammal (Dead) through LRs v. V. Rajamani, which imposed a nationwide six-month disposal target for pending execution petitions and instituted an unprecedented regime of judicial supervision, data collection and administrative accountability extending into 2026. The paper examines the causes of delay across three registers — structural (judicial vacancies and infrastructure deficits), procedural (adjournment culture and the absence of enforced case-management timelines), and behavioural (strategic and dilatory litigation conduct, particularly at the execution stage) — and evaluates the consequences of delay for decree-holders, for commercial confidence, and for the constitutional promise of access to justice. Drawing on the Supreme Court's own reported compliance data — showing 7,69,731 execution petitions cleared by April 2026 against a residual pendency of 7,95,981 — the paper argues that judicial data-driven supervision, exemplified by the Periyammal line of orders, has achieved more measurable progress in eighteen months than two decades of largely unenforced procedural amendments, while cautioning that fresh filings continue to outpace disposal, meaning that supervisory pressure alone cannot substitute for the structural reforms — additional judicial strength,

notified execution infrastructure, and consistent case-management enforcement — that remain outstanding.

Keywords: *Civil litigation delay; Code of Civil Procedure 1908; Commercial Courts Act 2015; Mediation Act 2023; execution of decrees; Order XXI CPC; judicial pendency; Periyammal v. Rajamani; access to justice; India.*

1. INTRODUCTION

The right to a timely resolution of civil disputes is not explicitly enumerated in the Constitution of India, yet the Supreme Court has long treated it as an inseparable incident of the right to life and personal liberty under Article 21[1], and, more broadly, of the constitutional guarantee of access to justice.[2] Measured against this constitutional aspiration, the practical condition of Indian civil litigation presents a stark contrast: as of September 2025, over 5.34 crore cases remained pending across the three tiers of the Indian judiciary[3], with district and subordinate courts — where the overwhelming majority of ordinary civil litigation is instituted and tried — disposing of barely 38.7 per cent of civil cases within a year of institution.[4]

This paper undertakes a doctrinal and analytical examination of delay in Indian civil litigation across its full arc: from institution of suit, through trial and appeal, to the frequently neglected but empirically critical stage of execution. Its immediate occasion is the Supreme Court's March 2025 judgment in Periyammal (Dead) through LRs v. V. Rajamani, which represents perhaps the most concrete, data-driven judicial intervention against execution delay in the Act's history, and whose compliance trajectory can now be traced through two rounds of Supreme Court review extending into 2026. But the paper's ambition is broader: it situates Periyammal within a longer history of legislative and judicial attempts to address civil litigation delay — the 2002 CPC amendments, the Commercial Courts Act, 2015, and the Mediation Act, 2023

[1] The Constitution of India, 1950, Art. 21; see Hussainara Khatoon v. Home Secretary, State of Bihar, (1980) 1 SCC 81, recognising speedy trial/adjudication as an implicit facet of the right to life and personal liberty, a principle extended by later authority to civil adjudication delay as well.
[2] Anita Kushwaha v. Pushap Sudan, (2016) 8 SCC 509 (recognising access to justice, including timely adjudication, as a fundamental right flowing from Article 14 and Article 21 of the Constitution).
[3] Grokipedia, 'Pendency of Court Cases in India' (2026), citing National Judicial Data Grid figures recording over 5.34 crore pending cases nationally as of September 2025, of which approximately 4.6 crore are in district and subordinate courts, 63.3 lakh in High Courts, and approximately 86,700-88,000 in the Supreme Court.
[4] See NJDG-derived figures cited in Insights on India, 'Judicial Pendency in India: Causes, Reforms and Way Forward' (2025), recording that only 38.7% of civil cases are disposed of within one year in district courts, compared to 70.6% of criminal cases.

— and asks which interventions have actually altered outcomes, and which have remained substantially unenforced.

The paper proceeds in six further parts. Part 2 reviews the existing literature on judicial delay in India. Part 3 sets out the statutory and institutional framework. Part 4 undertakes detailed analysis across seven dimensions: the scale of delay across the judicial hierarchy; structural causes; procedural causes; the Commercial Courts Act's sector-specific experiment; the consequences of delay, with particular attention to the execution bottleneck; the Periyammal line of authority; and alternative dispute resolution as a structural remedy. Parts 5 to 7 present findings, recommendations and conclusion.

2. LITERATURE REVIEW

2.1 Structural and Empirical Literature on Pendency

A substantial body of policy and empirical literature documents the scale of India's pendency crisis, typically anchored in National Judicial Data Grid figures. This literature consistently identifies judicial vacancies and an inadequate judge-to-population ratio — India's approximately 15-21 judges per 10 lakh population against the Law Commission's 1987 recommendation of 50[5] — as the single most cited structural cause, though commentators increasingly caution against treating additional judicial appointments as a sufficient remedy in isolation, given that infrastructure, court staff, and case-management capacity have not scaled proportionately even where sanctioned judicial strength has increased.

2.2 Procedural and Doctrinal Literature

A second strand engages with the CPC's procedural design and its repeated legislative amendment. Commentary on the 2002 amendments, and their validation in *Salem Advocate Bar Association, T.N. v. Union of India*[6], generally credits the amendments with a sound procedural design — timelines for written statements, restrictions on adjournments, mandatory pre-trial case management — while noting a persistent implementation gap: the literature broadly concludes that procedural timelines unaccompanied by consistent judicial enforcement

[5] Law Commission of India, 120th Report on Manpower Planning in Judiciary: A Blueprint (1987), recommending a judge strength of 50 per 10 lakh population, against India's current ratio of approximately 15-21 per 10 lakh population as reported in 2025-26 sources.

[6] Salem Advocate Bar Association, T.N. v. Union of India, (2005) 6 SCC 344, upholding the constitutional validity of the 2002 CPC amendments and directing the constitution of Rules Committees in every High Court to frame model case-management rules.

and administrative monitoring tend, over time, to be observed in the breach. This diagnosis directly informs the literature's more recent, considerably more favourable treatment of the Commercial Courts Act, 2015[7], precisely because that Act's time-bound framework has been coupled with more sustained appellate and Supreme Court supervision, discussed further in Part 4.4.

2.3 Emerging Literature on Execution Delay and Judicial Data-Driven Supervision

A third, more recent strand — the direct antecedent of this paper's central case study — addresses execution delay specifically. Prior to *Rahul S. Shah v. Jinendra Kumar Gandhi*[8] and *Periyammal (Dead) through LRs v. V. Rajamani*[9], execution delay was comparatively under-studied relative to delay at the trial and appellate stages, notwithstanding empirical work (discussed in the authors' companion study on arbitral award enforcement) showing that execution frequently consumes more time than the entirety of the preceding adjudicatory process. Emerging commentary on Periyammal's compliance trajectory — its March 2025 directive, October 2025 review, and further review extending into 2026 — situates the case as inaugurating a distinctive model of 'judicial data activism', in which the Supreme Court functions less as a final arbiter of a discrete dispute and more as an ongoing administrative supervisor of systemic compliance, a model this paper examines critically in Part 4.6.

This paper builds on all three strands, offering an integrated account that connects structural pendency data, procedural reform history, and the Periyammal execution-supervision model within a single analytical framework extending to mid-2026.

3. STATUTORY AND INSTITUTIONAL FRAMEWORK

The foundational procedural statute, the Code of Civil Procedure, 1908[10], has been amended repeatedly in pursuit of speedier adjudication, most significantly by the Code of Civil Procedure (Amendment) Act, 2002[11], which introduced firm timelines for filing written

[7] The Commercial Courts Act, 2015 (No. 4 of 2016), as amended by the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Act, 2018 and further amendments in 2020.
[8] Rahul S. Shah v. Jinendra Kumar Gandhi, (2021) 6 SCC 418 (Supreme Court directions to executing courts on time-bound disposal of execution proceedings and on preventing frivolous objections from indefinitely delaying execution).
[9] Periyammal (Dead) through LRs v. V. Rajamani, Civil Appeals Nos. 3640-3642 of 2025, 2025 INSC 329 (Supreme Court, 6 March 2025).
[10] The Code of Civil Procedure, 1908 (Act No. 5 of 1908).
[11] The Code of Civil Procedure (Amendment) Act, 2002 (No. 22 of 2002), introducing, among other changes, Order VIII Rule 1's timeline for filing written statements and restrictions on the number of adjournments under Order XVII Rule 1.

statements and capped adjournments at three, save in exceptional, recorded circumstances.[12] These amendments were upheld against constitutional challenge in Salem Advocate Bar Association, which additionally directed every High Court to constitute a Rules Committee to frame model case-management rules — a direction whose uneven implementation across States is a recurring theme in the literature reviewed in Part 2.

A sector-specific response followed in the Commercial Courts Act, 2015, which created dedicated commercial courts and commercial divisions for disputes above a specified value threshold, introduced mandatory pre-institution mediation under Section 12A[13], structured case-management hearings and prescribed trial timelines under Section 16[14], and empowered courts to award costs on an actual basis under Section 35.[15] Most recently, the Mediation Act, 2023[16] institutionalised pre-litigation mediation on a general, cross-sectoral basis[17], complementing the specialised-tribunal architecture — the National Company Law Tribunal, Debts Recovery Tribunals, and Consumer Disputes Redressal Commissions — designed to divert specific categories of dispute away from the ordinary civil court docket altogether.[18]

Table 1: Principal Statutory Interventions Addressing Civil Litigation Delay

Instrument	Principal Mechanism	Implementation Record
CPC (Amendment) Act, 2002	Adjournment cap; written-statement timelines; case management	Upheld in Salem Advocate; uneven enforcement across subordinate courts
Commercial Courts Act, 2015	Dedicated courts; pre-institution mediation; trial timelines; actual	Stronger appellate/SC supervision; still under continuing SC review as of 2026

[12] The Code of Civil Procedure, 1908, Order XVII, Rule 1, proviso (as amended in 2002), restricting adjournments in a suit to not more than three, save in exceptional circumstances to be recorded in writing.
[13] The Commercial Courts Act, 2015, s. 12A, mandating pre-institution mediation and settlement for commercial suits not contemplating urgent interim relief, introduced by the 2018 Amendment.
[14] The Commercial Courts Act, 2015, s. 16, amending Order XV-A CPC to require case management hearings and a structured, time-bound trial schedule for commercial suits, including a general cap on adjournments.
[15] The Commercial Courts Act, 2015, s. 35, empowering courts to award costs on an actual, rather than notional, basis, a provision the 2026 proposals seek to reinforce with a presumption of quantifiable prejudice arising from adjournments.
[16] The Mediation Act, 2023 (No. 32 of 2023), institutionalising pre-litigation mediation and providing a statutory framework for mediated settlement agreements.
[17] The Mediation Act, 2023, ss. 5-6 (pre-litigation mediation) and s. 20 (enforceability of mediated settlement agreements as if they were a decree of the court), designed to divert appropriate categories of civil disputes away from adversarial litigation altogether.
[18] See generally the specialised-tribunal architecture, including the National Company Law Tribunal (companies and insolvency), Debts Recovery Tribunals (secured debt recovery), and Consumer Disputes Redressal Commissions (consumer disputes), each designed to reduce the caseload burden on ordinary civil courts by channelling specific categories of dispute into dedicated, time-bound fora.

	costs	
Mediation Act, 2023	Statutory pre-litigation mediation; enforceable settlement agreements	Recently institutionalised; long-term diversion impact not yet fully assessed
Periyammal directive (2025-26)	Six-month execution disposal target; mandatory data reporting; judicial accountability	38% of backlog cleared in first six months; continuing SC supervision

4. ANALYSIS AND DISCUSSION

4.1 The Scale of Delay: Pendency Data across the Judicial Hierarchy

Reported pendency data shows the burden of delay concentrated overwhelmingly at the base of the judicial pyramid: of the more than 5.34 crore cases pending nationally, approximately 4.6 crore are in district and subordinate courts, 63.3 lakh in the High Courts, and approximately 86,700 to 88,000 in the Supreme Court itself. This distribution is significant for policy design: reform proposals that focus disproportionately on Supreme Court or High Court case management, however doctrinally interesting, address a comparatively small fraction of the system's total pendency; the decisive terrain for reducing delay lies in the district judiciary, where the vast majority of first-instance civil litigation — and, critically, execution of decrees — actually occurs.

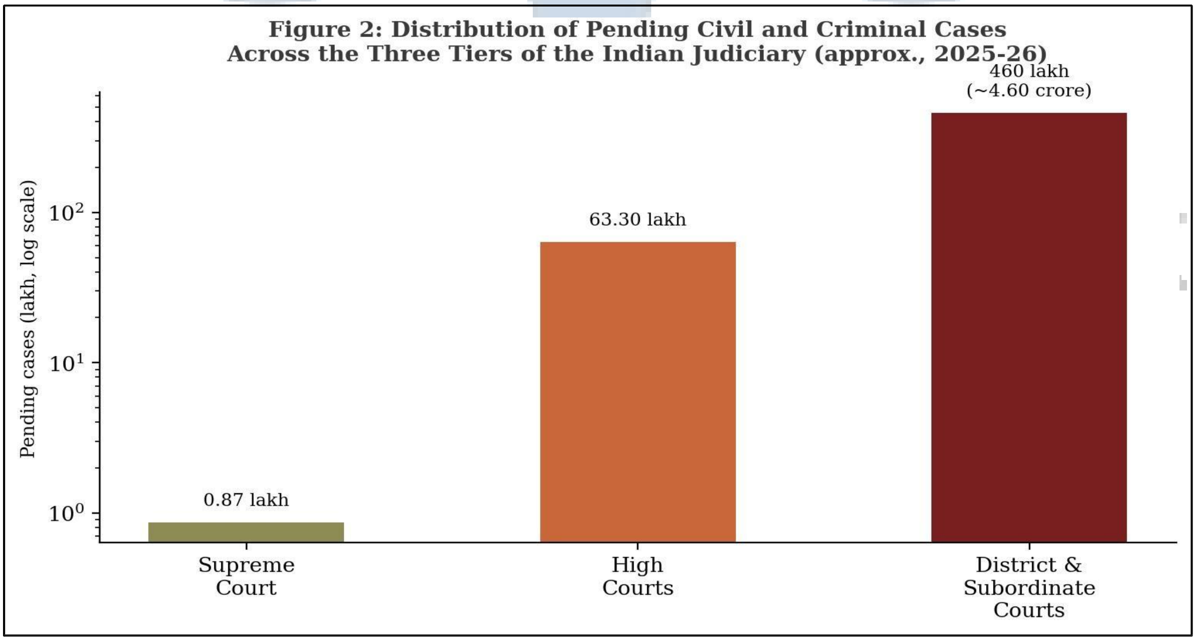

Figure 2. Distribution of pending civil and criminal cases across the three tiers of the Indian judiciary, approximate figures for 2025-26, compiled from National Judicial Data Grid-derived reporting. Note the logarithmic scale, necessitated by the several-orders-of-magnitude difference in pendency between the Supreme Court and the district judiciary.

4.2 Structural Causes: Judicial Strength, Vacancies and Infrastructure

India's judge-to-population ratio remains at approximately 15 to 21 judges per 10 lakh population, well short of the Law Commission's 1987 recommendation of 50 per 10 lakh. This structural deficit is compounded by a persistent vacancy crisis, with reporting placing the judiciary at approximately 79 per cent of even its existing sanctioned strength.[19] The cumulative effect is a caseload per judge that, even before accounting for procedural or behavioural sources of delay discussed in Part 4.3, structurally exceeds what any court system could realistically dispose of within socially acceptable timeframes — a point candidly acknowledged in the President of India's widely reported remarks on 'black coat syndrome', identifying delayed justice as a driver of declining public confidence in the judicial system.[20]

4.3 Procedural Causes: Adjournments, Case Management and the 2002 CPC Amendments

Beyond the purely structural deficit in judicial strength, a distinct set of procedural causes contributes independently to delay. The 2002 CPC amendments' cap on adjournments, though facially firm, is qualified by an 'exceptional circumstances' proviso that, in practice, subordinate courts have applied with considerable latitude, generating what practitioner literature and judicial commentary alike describe as a persistent 'adjournment culture' that the 2002 amendments' text was specifically designed, but has not fully succeeded, in curbing. The Supreme Court has separately identified the disruptive effect of interim stay orders on the pace of both trial and appellate proceedings as an independent procedural driver of delay[21], a concern that recurs across trial-stage, appellate-stage and execution-stage litigation alike.

4.4 The Commercial Courts Act, 2015: A Sector-Specific Experiment in Time-Bound Adjudication

The Commercial Courts Act, 2015 offers the clearest natural experiment in what more consistently enforced procedural timelines can achieve. The Supreme Court's continuing supervisory proceedings — commenced in 2023, with the Court calling on High Courts in February 2025 to furnish data on commercial-dispute pendency and directing, in April 2025,

[19] See generally the 2025 reporting on judicial vacancies, recording approximately 5,665 vacant judicial positions nationally, with the judiciary operating at approximately 79% of sanctioned strength.
[20] President of India, Address on the Occasion of Constitution Day (2024-25), popularly reported as identifying delayed justice-driven public disillusionment as a form of 'black coat syndrome'.
[21] Imtiyaz Ahmad v. State of U.P., (2012) 2 SCC 688 (Supreme Court directions on the systemic causes of delay, including the impact of stay orders on the pace of trial and appellate disposal).

compulsory training for Presiding Officers of Commercial Courts[22] — illustrate a sustained institutional attention that ordinary civil litigation under the unamended CPC has rarely received. Even so, implementation gaps persist: in *M/s Levitate Mobile Technologies Pvt. Ltd. v. M/s Standard Chartered Bank*[23], the Supreme Court confronted a commercial suit filed in 2015 in which, as of 2026, the plaintiff's evidence remained ongoing, prompting the Court's memorable observation that 'even a snail may question the speed at which this trial is proceeding' — a pointed illustration that statutory timelines, however well designed, remain vulnerable to strategic, piecemeal litigation conduct absent strict judicial enforcement.

Proposed 2026 amendments to the Commercial Courts Act[24] respond directly to this enforcement gap, creating a presumption that adjournments cause quantifiable prejudice to the opposing party and attaching adverse consequences — inadmissibility of late-disclosed documents, adverse inferences, or costs — to non-compliance with court-directed disclosure timelines, reflecting a broader legislative recognition that facially strict timelines require correspondingly strict, presumption-backed enforcement mechanisms to alter litigant behaviour.

4.5 Consequences of Delay: The Decree-Holder's Dilemma and the Execution Bottleneck

Delay in Indian civil litigation does not end with judgment; it frequently intensifies at the execution stage. Section 47 of the CPC[25], read with Order XXI, Rules 97 to 103[26], governs the adjudication of resistance or obstruction to execution, a mechanism the Supreme Court in *Shreenath v. Rajesh*[27] and *Silverline Forum Pvt. Ltd. v. Rajiv Trust*[28] confirmed extends to third-party obstructionists, provided their resistance is adjudicated within the execution proceeding itself rather than through a fresh, delay-generating separate suit. The practical

[22] LiveLaw, 'Supreme Court Seeks Updated Data on Commercial Litigation Across Country to Assess Need for More Courts' (2026), recording the Supreme Court's continuing supervisory proceedings, commenced in 2023, directing High Courts to furnish data on commercial-dispute pendency (February 2025) and mandating training for Presiding Officers of Commercial Courts (April 2025).

[23] M/s Levitate Mobile Technologies Pvt. Ltd. v. M/s Standard Chartered Bank, Supreme Court of India (2026), rejecting belated filing of additional documents after more than five years in a Commercial Courts Act suit and observing that 'even a snail may question the speed at which this trial is proceeding'.

[24] Global Law Experts, 'Commercial Courts Amendment 2026 (India)' (2026), discussing proposed 2026 amendments creating a presumption of quantifiable prejudice from adjournments and consequences for non-compliance with disclosure timelines under the Commercial Courts Act, 2015.

[25] The Code of Civil Procedure, 1908, s. 47 (questions to be determined by the court executing the decree).

[26] The Code of Civil Procedure, 1908, Order XXI, Rules 97-103 (adjudication of resistance or obstruction to execution of decrees for possession of immovable property).

[27] Shreenath v. Rajesh, (1998) 4 SCC 543 (holding that even third parties in possession may be heard in execution proceedings under Order XXI Rule 97, but such resistance must be adjudicated within the execution proceeding itself and not through separate suits).

[28] Silverline Forum Pvt. Ltd. v. Rajiv Trust, (1998) 3 SCC 723 (on the scope of resistance available to third parties, including transferees pendente lite, in execution proceedings).

consequence for a decree-holder is nonetheless severe: even a decree that has survived trial and appeal without incident can be indefinitely stalled by an obstructionist's objection, however tenuous, unless the executing court adjudicates that objection with genuine dispatch.

4.6 Periyammal v. Rajamani and the Turn to Judicial Data-Driven Supervision

The Supreme Court's judgment in *Periyammal (Dead) through LRs v. V. Rajamani* arose from a dispute in which respondent-occupants sought to resist execution of a decree by invoking tenancy protections under a Tamil Nadu special enactment. On the merits, the Court, applying State of Bihar v. Bihar Rajya Bhumi Vikas Bank Samiti[29] and reaffirming Shreenath's principle against permitting baseless objections to stall execution, set aside the impugned orders and directed that execution proceed. But the judgment's systemic significance lies in what followed: applying the spirit of its own prior guidance in Rahul S. Shah v. Jinendra Kumar Gandhi, the Court directed every High Court to collect nationwide district-level data on pending execution petitions and issue administrative directions ensuring disposal within six months, with presiding officers who miss the deadline made answerable to the High Court on its administrative side.

The compliance trajectory that followed is, by the standards of Indian judicial reform literature, unusually well-documented. In its review of 16 October 2025[30], the Court recorded that 3,38,685 execution petitions — approximately 38 per cent of the identified backlog — had been disposed of nationwide in the six months since the March 2025 circular, against a residual pendency of 8,82,578, and extended the compliance deadline by a further six months while directing the Karnataka High Court to explain its failure to submit data. A further review in April 2026[31] recorded a cumulative disposal of 7,69,731 execution petitions, against 7,95,981 petitions still pending beyond six months — figures that demonstrate genuine, substantial progress, while also confirming that fresh execution filings continue to arrive faster than the existing district-court infrastructure can clear them, meaning that the underlying pendency has not meaningfully declined in absolute terms even as disposal rates have risen.

[29] State of Bihar v. Bihar Rajya Bhumi Vikas Bank Samiti, (2018) 9 SCC 472 (on construing procedural rules to advance, rather than defeat, the cause of justice).

[30] Supreme Court of India, review of compliance with the Periyammal directive, order dated 16 October 2025, recording that 3,38,685 execution petitions had been disposed of nationwide since the March 2025 circular, against a residual pendency of 8,82,578, and directing the High Court of Karnataka to explain non-submission of data.

[31] Supreme Court of India, further review of compliance with the Periyammal directive, order dated April 2026, recording a cumulative disposal of 7,69,731 execution petitions, against a residual pendency of 7,95,981 petitions pending beyond six months.

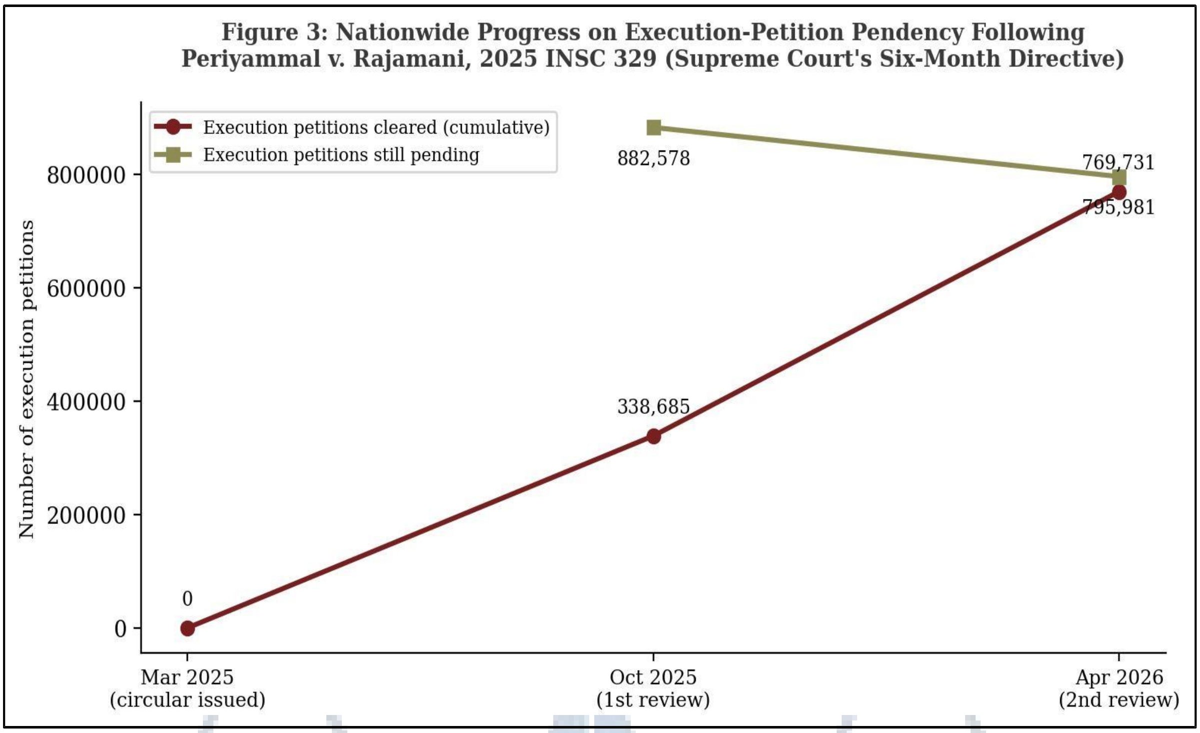

Figure 3. Nationwide progress on execution-petition pendency following the Supreme Court's Periyammal directive, based on the Court's own reported compliance figures at the October 2025 and April 2026 reviews. The parallel rise in both cumulative disposals and residual pendency illustrates that fresh filings have continued to outpace the pace of clearance, even as absolute disposal numbers have grown substantially.

The structural gap the Periyammal supervision has exposed is instructive. The Commercial Courts Rules, 2021's Chapter XII, proposing dedicated District Execution Cells, remained unnotified by the Union Government for five years despite being fully drafted[32], prompting the Supreme Court, in May 2026, to direct High Courts to constitute equivalent execution cells under their existing supervisory jurisdiction rather than await formal legislative or executive action — treating administrative rule-making by the judiciary itself as the default route, with fresh central legislation relegated to a fallback. Proposals for a national, e-Courts-integrated execution-tracking dashboard[33] reflect a further, technology-driven extension of the same data-transparency logic that has animated the Periyammal line of orders.

[32] The Commercial Courts Rules, 2021, Chapter XII (proposing dedicated District Execution Cells), which remained unnotified by the Union Government as of 2026; see Supreme Court of India, order of May 2026, directing High Courts to constitute equivalent execution cells under their existing supervisory jurisdiction pending formal notification.
[33] See generally the National Judicial Data Grid (NJDG) framework, discussed in the context of proposals for a national execution-tracking dashboard integrated with the e-Courts platform, in Daily Pioneer, 'Justice Must Not End With the Verdict' (2026).

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4.7 Alternative Dispute Resolution as a Structural Remedy: The Mediation Act, 2023

Rather than seeking only to accelerate adjudication once litigation has commenced, the Mediation Act, 2023 pursues a structurally different strategy: diverting appropriate categories of civil dispute away from adversarial litigation before a suit is even instituted. Mediated settlement agreements are rendered directly enforceable as if they were a decree of the court, removing a significant procedural barrier — the need for a separate enforcement suit on a settlement — that had historically discouraged reliance on informal settlement. The Commercial Courts Act's earlier, narrower pre-institution mediation requirement under Section 12A provided an important proof of concept for this approach, though its impact has been most pronounced in commercial disputes above the Act's pecuniary threshold; the 2023 Act's cross-sectoral scope represents a considerably more ambitious wager that pre-litigation mediation can meaningfully reduce institution rates across ordinary civil litigation as well, an outcome that, given the Act's recency, cannot yet be assessed with confidence.

5. FINDINGS

Finding 1: Delay in Indian civil litigation is overwhelmingly a district-judiciary phenomenon. With approximately 4.6 crore of the system's 5.34 crore pending cases concentrated in district and subordinate courts, reform strategies focused primarily on higher-court case management address only a small fraction of the system's total pendency burden.

Finding 2: Structural and procedural causes of delay are mutually reinforcing, not independent. An inadequate judge-to-population ratio and a persistent vacancy crisis create the underlying capacity deficit, while an entrenched adjournment culture and inconsistently enforced case-management timelines mean that even the judicial capacity that does exist is not always deployed efficiently.

Finding 3: Sector-specific, closely supervised timelines outperform generally applicable but loosely enforced ones. The comparatively stronger implementation record of the Commercial Courts Act, 2015 — sustained by continuing Supreme Court supervisory proceedings since 2023 — contrasts with the more uneven record of the general 2002 CPC amendments, suggesting that the design of a timeline matters less than the intensity and continuity of its enforcement.

Finding 4: Execution, not trial or appeal, is frequently the primary site of delay for a successful litigant. The Periyammal line of authority confirms empirically what prior scholarship had suggested: a decree that survives the entire adjudicatory process can still be indefinitely stalled at the execution stage absent active judicial supervision of that specific stage.

Finding 5: Judicial data-driven supervision has achieved measurable, though incomplete, progress. The Periyammal directive's compilation of nationwide execution-pendency data and imposition of judicial accountability produced a documented 38 per cent reduction in the identified backlog within six months and a cumulative clearance of 7,69,731 petitions by April 2026 — a scale of measurable systemic improvement that decades of largely unmonitored procedural legislation had not achieved.

Finding 6: Even successful supervisory intervention cannot outpace unaddressed capacity constraints. The persistence of substantial residual execution pendency (7,95,981 petitions as of the April 2026 review) despite the Periyammal drive's demonstrated disposal gains confirms that judicial supervision alone, without corresponding investment in execution infrastructure such as the still-unnotified District Execution Cells, cannot durably outpace the rate of fresh filings.

6. RECOMMENDATIONS

1. **Formal Notification of District Execution Cells.** The Union Government should formally notify Chapter XII of the Commercial Courts Rules, 2021, establishing dedicated District Execution Cells, rather than leaving High Courts to construct interim equivalents under their general supervisory jurisdiction, and should consider extending an equivalent dedicated-cell model to ordinary (non-commercial) civil execution as well.
2. **Statutory Codification of the Periyammal Six-Month Execution Timeline.** Order XXI CPC should be amended to prescribe a statutory (rather than purely judicially directed) outer time-limit — for instance, one year, extendable only by reasoned order — for disposal of execution petitions, converting the Periyammal directive's administrative circular-based approach into a durable, self-executing statutory obligation.
3. **National Execution-Tracking Dashboard Integrated with the e-Courts Platform.** The National Judicial Data Grid should be extended to provide a public, real-time execution-pendency dashboard disaggregated by district and by mode of disposal (satisfaction, settlement, or dismissal), building directly on the data-reporting infrastructure the Periyammal compliance reviews have already generated.

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4. **Judicial Strength Augmentation Tied to District-Level Caseload Metrics.** Sanctioned judicial strength should be allocated using a formula tied to actual district-level caseload and disposal-rate data (now readily available through the NJDG), rather than static historical allocation, ensuring that new judicial appointments are directed to the districts carrying the heaviest pendency burden.
5. **Strengthen Enforcement of the Adjournment Cap under Order XVII Rule 1.** High Court Rules Committees, as directed in Salem Advocate Bar Association, should issue binding guidance narrowing the 'exceptional circumstances' proviso permitting adjournments beyond the statutory cap of three, coupled with mandatory recording of reasons subject to administrative review.
6. **Presumption-Backed Costs and Disclosure Enforcement Generalised beyond Commercial Courts.** The 2026 Commercial Courts Act proposals' presumption of quantifiable prejudice from adjournments, and consequences for non-compliance with disclosure timelines, should be extended, suitably adapted, to ordinary civil suits under the CPC, rather than confined to the commercial-court track alone.
7. **Expand Mandatory Pre-Litigation Mediation beyond Commercial Disputes.** Building on the proof of concept furnished by Section 12A of the Commercial Courts Act, the Mediation Act, 2023's pre-litigation mediation framework should be made mandatory (not merely available) for defined categories of ordinary civil dispute — such as partition suits and money recovery suits below a specified threshold — most amenable to settlement, to reduce institution rates at the district-court level where pendency is most acute.

7. CONCLUSION

Delay in Indian civil litigation is a systemic condition with structural, procedural and behavioural roots, and no single legislative or judicial intervention examined in this paper has proven sufficient, on its own, to resolve it. The 2002 CPC amendments supplied a sound procedural design that inconsistent enforcement has substantially blunted. The Commercial Courts Act, 2015 demonstrates that sector-specific, closely supervised timelines can meaningfully outperform generally applicable but loosely enforced ones, even as cases such as Levitate Mobile Technologies confirm that no statutory timeline is proof against determined, strategic non-compliance absent strict judicial enforcement. The Mediation Act, 2023 offers a structurally different and promising diversionary strategy whose long-term impact remains, for now, unproven given its recency.

The Periyammal line of authority is, on the evidence assembled in this paper, the single most consequential recent development in Indian delay jurisprudence — not for any novel point of substantive law, but for demonstrating what sustained, data-driven judicial supervision can achieve at the execution stage specifically, the stage at which the promise of civil adjudication is most concretely tested. Its documented results — a 38 per cent reduction in identified backlog within six months, and a cumulative clearance exceeding 7.6 lakh execution petitions within thirteen months — represent measurable progress that decades of unmonitored procedural legislation had failed to produce. Yet the persistence of substantial residual pendency, driven by fresh filings continuing to outpace disposal, confirms that supervisory pressure from the apex court, however sustained, is not a substitute for the structural investments — additional judicial strength, formally notified execution infrastructure, and durable statutory (rather than circular-based) timelines — that remain the necessary, and still largely outstanding, next phase of reform.

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