


HIGH COURT OF SIKKIM
GANGTOK

No.: 72/HCS

Date:-12.12.2025

N-O-T-I-F-I-C-A-T-I-O-N

PRACTICE DIRECTIONS

In pursuance and compliance to the judgment dated 20.10.2023 passed by the Hon'ble Supreme Court in *Civil Appeal No.4296 of 2023, Yaspal Jain, Appellant v. Sushila Devi & Others, Respondents*, the following **Practice Directions** are hereby issued for strict compliance by all the Civil Courts under the jurisdiction of this High Court :-

- i. All courts at district and taluka levels shall ensure proper execution of the summons and in a time bound manner as prescribed under Order V Rule (2) of the Code of Civil Procedure, 1908(In short, "CPC") and same shall be monitored by Principal District Judges and after collating the statistics they shall forward the same to be placed before the Arrears Committee of the High Court for its consideration and monitoring.
- ii. All courts at District and Taluka level shall ensure that written statement is filed within the prescribed limit namely as prescribed under Order VIII Rule 1 and preferably within 30 days and to assign reasons in writing as to why the time limit is being extended beyond 30 days as indicated under proviso to sub-Rule(1) of Order VIII of CPC.
- iii. All courts at District and Talukas shall ensure after the pleadings are complete, the parties should be called upon to appear on the day fixed as indicated in Order X and record the admissions and denials and the court shall direct the parties to the suit to opt for either mode of the settlement outside the court as specified in sub-Section (1) of Section 89 and at the option of the parties shall fix the date of appearance before such forum or authority and in



the event of the parties opting to any of the modes of settlement directions be issued to appear on the date, time and venue fixed and the parties shall so appear before such authority/forum without any further notice at such designated place and time and it shall also be made clear in the reference order that trial is fixed beyond the period of two months making it clear that in the event of ADR not being fruitful, the trial would commence on the next day so fixed and would proceed on day-to-day basis.

- iv. In the event of the party's failure to opt for ADR namely resolution of dispute as prescribed under Section 89(1) the court should frame the issues for its determination within one week preferably, in the open court.
- v. Fixing of the date of trial shall be in consultation with the learned advocates appearing for parties to enable them to adjust their calendar. Once the date of trial is fixed, the trial should proceed accordingly to the extent possible, on day-to-day basis.
- vi. Learned trial judges of District and Taluka Courts shall as far as possible maintain the diary for ensuring that only such number of cases as can be handled on any given day for trial and complete the recording of evidence so as to avoid overcrowding of the cases and as a sequence of it would result in adjournment being sought and thereby preventing any inconvenience being caused to the stakeholders.
- vii. The counsels representing the parties may be enlightened of the provisions of Order XI and Order XII so as to narrow down the scope of dispute.
- viii. The trial courts shall scrupulously, meticulously and without fail comply with the provisions of Rule 1 of Order XVII and once the trial has commenced it shall be proceeded from day to day as contemplated under the proviso to Rule 2.



ix. The courts shall give meaningful effect to the provisions for payment of cost for ensuring that no adjournment is sought for procrastination of the litigation and the opposite party is suitably compensated in the event of such adjournment is being granted.

x. At conclusion of trial the oral arguments shall be heard immediately and continuously and judgment be pronounced within the period stipulated under Order XX of CPC.

Note:- The statistics relating to the cases pending in each court beyond 5 years shall be forwarded by every presiding officer to the Principal District Judge once in a month who (Principal District Judge/District Judge) shall collate the same and forward it to Arrears Committee, High Court of Sikkim.

By Order,

sd/-
(Prajwal Khatiwada)
Registrar General