

Order-20 Judgment and Decree

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1. Judgment when pronounced :-

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(1) The Court, after the case has been heard, shall pronounce judgment in an open Court, either at once, or as soon thereafter as may be practicable and when the judgment is to be pronounced on some future day, the Court shall fix a day for that purpose, of which due notice shall be given to the parties or their pleaders:

Provided that where the judgment is not pronounced at once, every endeavour shall be made by the Court to pronounce the judgment within thirty days from the date on which the hearing of the case was concluded but, where it is not practicable so to do on the ground of the exceptional and extraordinary circumstances of the case, the Court shall fix a future day for the pronouncement of the judgment, and such day shall not ordinarily be a day beyond sixty days from the date on which the hearing of the case was concluded, and due notice of the day so fixed shall be given to the parties or their pleaders."

2[(2) Where a written judgment is to be pronounced, it shall be sufficient if the findings of the Court on each issue and the final order passed in the case are read out and it shall not be necessary for the Court to read out the whole judgment, **3** [***]

(3) The judgment may be pronounced by dictation in open Court to a shorthand writer if the Judge is specially empowered by the High Court in this behalf:

Provided that, where the judgment is pronounced by dictation in open Court, the transcript of the judgment so pronounced shall, after making such correction therein as may be necessary, be signed by the Judge, bear the date on which it was pronounced, and form a part of the record.]

1. In rule 1, Sub-rule 1, Sub. by THE CODE OF CIVIL PROCEDURE (AMENDMENT) ACT, 2002. [22 of 2002] published in the Gazette of India, Extraordinary, Part II, Section No. 25 I, dated May 24, 2002
2. Ins. by Act 104 of 1976, Sec. 70 (w.e.f. 1st February, 1977).
3. Omitted for "but a copy of the whole judgment shall be made available for the perusal of the parties or the pleaders immediately after the judgment is pronounced.", vide " Order-20 Judgment and Decree" Dt.December 30, 1999 Published in Received the assent of the President on the 30th December, 1999 and was published in the Gazette of India, (Extra.), Part II sec.1, No. 59, dated December 30, 1999

2. Power to pronounce judgment written by Judges predecessor :-

1 [A Judge shall] pronounce a judgment written but not pronounced by his predecessor.

1. Subs. by Act No. 104 of 1976, Sec 70, for the words "A Judge may" (w.e.f. 1st February, 1977).

3. Judgment to be signed :-

The judgment shall be dated and signed by the Judge in open Court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added to, save as provided by Section 152 or on review.

4. Judgment of Small Cause Courts :-

(1) Judgments of a Court of Small Causes need not contain more than the points for determination and the decision thereon.

(2) Judgments of other courts.- Judgments of other courts shall contain a concise statement of the case, the points for determination, the decision thereon and the reasons for such decision.

5. Court to state its decision on each issue :-

¹ In suits in which issues have been framed, the Court shall state its finding or decision, with the reasons therefor, upon each separate issue, unless the finding upon any one or more of the issue is sufficient for the decision of the suit.

1. The provisions of rules 1,3,4 and 5 are not applicable to the Chief Court of Oudh, see the Oudh Courts Act, 1925(U.P. Act 4 of 1925), Sec. 16 (2).

5A. Court to inform parties as to where an appeal lies in cases where parties are not represented by pleaders :-

¹ -Except where both the parties are represented by pleaders, the Court shall, when it pronounces its judgment in a case subject to appeal, inform the parties present in Court as to the Court to which an appeal lies and the period of limitation for the filing of such appeal and place on record the information so given to the parties.
]

1. Ins. by Act 104 of 1976, Sec. 70 (w.e.f. 1st February, 1977).

6. Contents of decree :-

(1) The decree shall agree with the judgment; it shall contain the number of the suit, ¹ [names and descriptions of the parties, their registered addresses,] and particulars of the claim, and shall specify clearly the relief granted or other determination of the suit.

(2) The decree shall also state the amount of costs incurred in the suit. and by whom or out of what property and in what proportions such costs are to be paid.

(3) The Court may direct that the costs payable to one party by the other shall be set-off against any sum which is admitted or found to be due from the former to the latter.

1. Subs. by C.P.C. (Amendment) Act No. 104 of (1976)., for the words "the names and description of parties" (w.e.f. 1st February, 1977).

6A. Preparation of decree :-

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(1) Every endeavour shall be made to ensure that the decree is drawn up as expeditiously as possible and, in any case, within fifteen days from the date on which the judgment is pronounced.

(2) An appeal may be preferred against the decree without filing a copy of the decree and in such a case the copy made available to the party by the Court shall for the purposes of rule 1 of Order XLI be treated as the decree. But as soon as the decree is drawn, the judgment shall cease to have the effect of a decree for the purposes of execution or for any other purpose.

1. Substituted for " 3 [6-A [Rule-6A]Last paragraph of judgment to indicate in precise terms the reliefs granted - (1) The last paragraph of the judgment shall state in precise terms the relief which has been granted by such judgment. (2) Every endeavour shall be made to ensure that the decree is drawn up as expeditiously as possible., and, in any case, within fifteen days from the date on which the judgment is pronounced; but where the decree is not drawn up within the time aforesaid, the Court shall, if requested so to do by a party desirous of appealing against the decree, certify that the decree has not been drawn up and indicate in the certificate the reasons for the delay, and thereupon- (a) an appeal may be preferred against the decree without filing a copy of the decree and in such a case the last paragraph of the judgment shall for the purposes of rule 1 of Order 41 , be treated as the decree; and (b) so long as the decree is not drawn up, the last paragraph of the judgment shall be deemed to be the decree for the purpose of execution and the party interested shall be entitled to apply for a copy of that paragraph only without being required to apply for a copy of the whole of the judgment; but as soon as a decree is drawn up, the last paragraph of the judgment shall cease to have the effect of a decree for the purpose of execution or for any other purpose : Provided that, where an application is made for obtaining a copy of only the last paragraph of the judgment, such copy shall indicate the name and address of all the parties to the suit. 6-B [Rule-6B]Copies of typewritten judgments when to be made available -Where the judgment is typewritten, copies of the typewritten judgment shall, where it is practicable so to do, be

made available to the parties immediately after pronouncement of the judgment on payment, by the party applying for such copy, of such charges as may be specified in the rules made by the High Court.) ", vide " Order-20 Judgment and Decree" Dt.December 30, 1999 Published in Received the assent of the President on the 30th December, 1999 and was published in the Gazette of India, (Extra.), Part II sec.1, No. 59, dated December 30, 1999

6B. Copies of judgments when to be made available :-

Where the judgment is pronounced, copies of the judgment shall be made available to the parties immediately after the pronouncement of the judgment for preferring an appeal on payment of such charges as may be specified in the rule made by the High Court."]

7. Date of decree :-

The decree shall bear the day on which the judgment was pronounced, and, when the Judge has satisfied himself that the decree has been drawn up in accordance with the judgment, he shall sign the decree.

8. Procedure where a Judge has vacated office before signing decree :-

Where a Judge has vacated office after pronouncing judgment but without signing the decree, a decree drawn up in accordance with such judgment may be signed by his successor or, if the Court has ceased to exist, by the Judge of any Court to which such Court was subordinate.

9. Decree for recovery of immovable property :-

Where the subject-matter of the suit is immovable property, the decree shall contain a description of such property sufficient to identify the same, and where such property can be identified by boundaries or by numbers in a record of settlement of survey, the decree shall specify such boundaries or numbers.

10. Decree for delivery of moveable property :-

Where the suit is for moveable property, and the decree is for the delivery of such property, the decree shall also state the amount of money to be paid as an alternative if delivery cannot be had.

11. Decree may direct payment by instalments :-

(1) Where and in so far as a decree is for the payment of money the Court may for any sufficient reason ¹ [incorporate in the decree, after hearing such of the parties who had appeared

personally or by pleader at the last hearing, before judgment, an order that] payment of the amount decreed shall be postponed or shall be made by instalments, with or without interest, notwithstanding anything contained in the contract under which the money's payable.

(2) Order, after decree for payment by instalments.-After the passing of any

1. Subs. by Act 104 of 1976, Sec. 70, for the words "at the time of passing the decree order that" (w.e.f. 1st February, 1977).

12. Decree for possession and mesne profits :-

(1) Where a suit is for the recovery of possession of immoveable property and for rent of mesne profits, the Court may pass a decree-

(a) for the possession of the property:

1 [(b) for the rents which have accrued on property during the period prior to the institution of the suit or directing an inquiry as to such rent ; (b-a) for mesne profits or directing an inquiry as to such mesne profits ;]

(c) directing an inquiry as to rent or mesne profits from the institution of the suit until-

(i) the delivery of possession to the decree-holder,

(ii) the relinquishment of possession by the judgment-debtor with notice to the decree-holder through the Court, or

(iii) the expiration of three years from the date of the decree, whichever event first occurs.

(2) Where an inquiry is direct under Cl. (b) or Cl. (c) a final decree in respect of the rent or mesne profits shall be passed in accordance with the result of such inquiry.

1. Subs. by Act No. 104 of 1976, Sec. 70 for Cl. (b) (w.e.f. 1st February, 1977).

12A. Decree for specific performance of contract for the sale or lease of immoveable property :-

1 Where a decree for the specific performance of a contract for the sale or lease of immoveable property, orders that the purchase-money or other sum be paid by the purchaser or lessee, it shall

specify the period within which the payment shall be made.]

1. Ins. by Act 104 of 1976, Sec. 70 (w.e.f. 1st February, 1977).

13. Decree in administration suit :-

(1) Where a suit is (or an account of any property and (or its due administration under the decree of the Court, shall, before passing the final decree, pass a preliminary decree ordering such accounts and inquiries to be taken and made, and giving such other directions as it thinks fit.

(2) In the administration by the Court of the property of any decreed person if such property proves to be insufficient for the payment in full of his debts and liabilities, the same rules shall be observed as to the respective rights of secured and unsecured creditors and as to debts and liabilities provable, and as to the valuation of annuities and future and contingent liabilities respectively as may be in force for the time being, within the local limits of the Court in which the administration suit is pending with respect to the estates of persons adjudged or declared insolvent; and all persons who in any such case would be entitled to be paid out of such property, may come in under the preliminary decree, and make such claims against the same as they may respectively be entitled to by virtue of this Code.

14. Decree in pre-emption suit :-

(1) Where the Court decrees a claim to pre-emption in respect of a particular sale of property and the purchase-money has not been paid into Court the decree shall-

(a) specify a day on or before which the purchase-money shall be so paid, and

(b) direct that on payment into Court of such purchase-money together with the costs (if any) decreed against the plaintiff, on or before the day referred to in Cl. (a), the defendant shall deliver possession of the property to the plaintiff whose title thereto shall be deemed to have accrued from the date of such payment but that if the purchase-money and costs (if any) are not so paid, the suit shall be dismissed with costs.

(2) Where the Court has adjudicated upon rival claims to pre-emption, the decree shall direct-

(a) if and in so far as the claims decreed are equal in degree, that

the claim of such pre-emption complying with the provisions of the sub-rule (1) shall take effect in respect of a proportionate share of the property including any proportionate share in respect of which the claim of any pre-emptor failing to comply with the said provisions would but for such default, have taken effect; and

(b) if and in so far as the claims decree are different in degree, that the claim of the inferior pre-emptor shall not take effect unless and until the superior pre-emptor has failed to comply with the said provisions.

15. Decree in suit for dissolution of partnership :-

Where a suit is for dissolution of a partnership, or the taking of partnership accounts, the Court, before passing a final decree, may pass a preliminary decree declaring the proportionate shares of the parties, fixing the day on which the partnership shall stand dissolved or be deemed to have been dissolved and directing such accounts to be taken, and other acts to be done, as it thinks fit.

16. Decree in suit for account between principal and agent :-

In a suit for an account of pecuniary transactions between a principal and an agent, and in other suit not hereinbefore provided for, where it is necessary, in order to ascertain the amount of money due to or from any party, that an account should be taken, the Court shall, before passing its final decree, pass a preliminary decree directing such accounts to be taken as it thinks fit.

17. Special directions as to accounts :-

The Court may either by the decree directing an account to be taken or by any subsequent order give special directions with regard to the mode in which the account is to be taken or vouched and in particular may direct that in taking the account the books of account in which the accounts in question have been kept shall be taken as prima facie evidence of the truth of the matters therein contained with liberty to the parties interested to take such objection thereto as they may be advised.

18. Decree in suit for partition of property or separate possession of a share therein :-

Where the Court passes a decree for the partition of property or for the separate possession of a share therein, then,-

(1) if and in so far as the decree relates to an estate assessed to

the payment of revenue to the Government, the decree shall declare the rights of the several parties interested in the property but shall direct such partition or separation to be made by Collector or any gazetted subordinate of the Collector deputed by him in this behalf, in accordance with such declaration and with the provisions of Section 54 ;

(2) if and in so far as such decree relates to any other immoveable property or to moveable property, the Court may, if the partition or separation cannot be conveniently made without further inquiry, pass a preliminary decree declaring the rights of the several parties interested in the property and giving such further

directions as may be required.

19. Decree when set-off or counter-claim] is allowed :-

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(1) Where the defendant has been allowed set-off ²[or counter-claim] against the claim of the plaintiff, the decree shall state what amount is due to the plaintiff and what amount is due to the defendant, and shall be for the recovery of any sum which appears to be due to either party.

(2) Appeal from decree relating to set-off ²[or counter-claim].-Any decree passed in a suit in which a set-off ²[or counter-claim] is claimed shall be subject to the same provision in respect of appeal to which it would have been subject if no set-off ² [or counter-claim] had been claimed.

(3) The provisions of this rule shall apply whether the set-off is admissible under rule 6 of Order VIII or otherwise.

1. Ins. by Act No. 104 of 1976, Sec. 70 (w.e.f. 1st February, 1977)

2. Vide Notifn. No. P 012/77 (w.e.f. 1st October, 1983).

20. Certified copies of judgment and decree to be furnished

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Certified copies of the judgment and decree shall be furnished to the parties on application to the Court, and at their expense. High Court Amendment