
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

**JUSTICE TARRIED IS ALSO JUSTICE BURIED: AN INTRIGUING
JOURNEY TO THE BAR OF PUNALUR- EMPIRICAL STUDY**- Aparna. S¹**1. Introduction**

The maxim “justice hurried is justice buried” has often been cited to caution against rash judicial processes that might compromise fairness. However, its counterpart, “justice tarried is also justice buried,” resonates more deeply within the Indian legal system, where inordinate delays in resolving civil cases have led to significant social and economic distress for litigants. A stark example of such delay is the Sasadhar Biswas case, which began in 1971 and only reached a resolution in 2021—a staggering 50 years later. Despite amendments to the Civil Procedure Code (CPC) in 2002, which promised an average resolution time of one and a half years, the persistence of procedural inefficiencies, loopholes, and judicial overburdening continues to hinder timely justice.

The case of Sasadhar Biswas epitomizes the exploitation of CPC provisions by litigants and lawyers to delay proceedings, demonstrating how civil litigation can become a long, drawn-out battle rather than a swift pursuit of justice. Justice V. Ramasubramanian, in his 2021 ruling, highlighted the misuse of procedural rules in preserving the status quo, allowing litigants to evade execution of civil decrees. This case, and others like it, reflect a systemic problem where the very rules intended to safeguard fairness are weaponized to delay justice, ultimately eroding public trust in the judiciary. In the year 2024, the Indian judiciary faces an overwhelming backlog, with over 50 million cases pending across various courts. Of these, more than 180,000 cases have been pending for over 30 years in that 62,000 cases alone is pending in high courts, highlighting the severity of the issue. District courts bear the brunt of

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this backlog, accounting for more percentage of pending cases. This reflects the significant delays and inefficiencies in the judicial system at the grassroots level. These delays not only prolong justice but also undermine public confidence in the legal process².

So, the problem of inordinate delays in the Indian judiciary, particularly in civil cases, undermines the very essence of justice, as both justice hurried and justice delayed are equally detrimental. Despite amendments to the Code of Civil Procedure (CPC) in 2002, which aimed to expedite the resolution of cases within an average timeframe of one and a half years, this goal remains largely unfulfilled. The Sasadhar Biswas case (1979-2021) exemplifies how civil litigation can languish in the system for decades, leading to not only inefficiencies but also to erosion of public confidence in the judiciary. Such delays perpetuate a form of justice denial, with litigants often predicting the outcomes of cases long before they conclude, making the process of litigation itself a burdensome exercise rather than a path to resolution

Therefore, despite the procedural reforms, such as the 2002 amendment to the Civil Procedure Code (CPC), which aimed to expedite the resolution of civil cases within 18 months, these objectives remain largely unmet. Failure of the same calls for a deeper exploration of the systemic inefficiencies—ranging from case backlogs, procedural complexities, to inadequate judicial resources—that contribute to delays. Understanding these causes is essential for legal professionals to advocate for practical reforms that can restore public confidence in the judiciary and ensure timely delivery of justice.

This introduction to the concept of judicial delays underscores the need for an in-depth analysis of the loopholes in the CPC that enable such delays, and how these delays contribute to a broader denial of justice. Aspiring lawyers and policymakers must understand the causes of these inefficiencies, not to perpetuate them, but to work towards meaningful legal reform that ensures justice is both timely and effective.

² Pti. (2024, September 7). *Nearly 62,000 of cases pending in high courts are over 30 years old*. The Hindu. <https://www.thehindu.com/news/national/nearly-62000-of-cases-pending-in-high-courts-are-over-30-years-old/article68616991.ece>

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Hypothesis: Inordinate delays in the judicial system, particularly in the courts of smaller jurisdictions like Punalur, result in a denial of justice, causing significant social and economic distress to litigants. These delays are primarily driven by procedural inefficiencies, insufficient judicial infrastructure, and an overburdened judiciary, which collectively undermine the public's faith in the legal system.

Research Questions

1. Does the combination of procedural inefficiencies, insufficient judicial infrastructure, and an overburdened judiciary in smaller jurisdictions like Punalur lead to significant social and economic distress for litigants, thereby eroding public faith in the legal system?
 - 1.1 What are the factors responsible for the delays in civil case proceedings at Punalur Bar?
 - 1.2 What is the average duration for resolving civil cases in Punalur courts?
 - 1.3 How does the public perception of the judiciary in Punalur correlate with the length of time taken for case resolutions?

Research Objectives

- To identify and examine the key factors responsible for delays in civil case proceedings at the Punalur Bar.
- To assess the average timeline for the resolution of civil cases in Punalur courts and its comparison to expected standards.
- To evaluate the impact of extended litigation on public confidence in the judicial system in Punalur.

Research Methodology: This research will employ an empirical study methodology, utilizing both qualitative and quantitative data collection techniques. Data will be gathered through surveys and interviews with legal professionals that is of advocates who is well with civil matters and other relevant person. Additionally, cases that are pending in punalur bar are been taken and analyzed based on the research.

Literature Review

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- “The Laws Delays: Reforming unnecessary delay in civil litigation, Melvin: The article address the crisis of unnecessary delay in the judicial system which deteriorates the justice. The article finds that the current legal system often favors those who exploit procedural delays at the expense of deserving litigants, exacerbating the issue of justice denied through stagnation. To address these challenges, scholars have proposed four key reforms and additionally, integrating modern, computer-based administrative tools could streamline case management, reducing the burden on courts. Collectively, these reforms aim to restore the capacity of the legal system to deliver timely and effective relief to civil litigants.”³
- Are Courts Slow? Exposing and Measuring the determinants of case disposition Time, Kim, Joe, Alfred: this article analyses civil cases disposition by developing the hypothesis in to explain the behavioral and structural determinants that caused the delays. Research has identified both macro and micro socio-economic factors influencing court behavior and efficiency, leading to the development of a novel methodology called *Echronometrics*, which seeks to analyze these determinants comprehensively. Despite significant reforms aimed at improving the speed and efficiency of dispute resolution, many of these reforms have been ineffective, and in some cases, have even worsened the problem. This points to the complexity of judicial delay, where institutional reforms alone may not address the deeply rooted issues contributing to inefficiencies in the civil justice system.⁴

2. Content

The paper tries to critically examine whether the combination of procedural inefficiencies, insufficient judicial infrastructure, and an overburdened judiciary in smaller jurisdictions like Punalur lead to significant social and economic distress for litigants, thereby eroding public faith in the legal system. To achieve, this we will be exploring this issue in three dimensions: firstly, the existence of delays in the punalur

³Belli, M. M. (n.d.-a). *The law's delays: Reforming unnecessary delay in civil litigation*. NDLScholarship. <https://scholarship.law.nd.edu/jleg/vol8/iss1/2/>

⁴ Haug, A. A., Joe McIntyre, & Kim Economides. (n.d.). *Are courts slow? exposing and measuring the invisible ...* Gujarat High Court. <https://ghconline.gov.in/library/document/conference2728072018/I1AreCourtsSlow.PDF>

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courts, secondly through factors contributing to delays, and lastly looking into public perception of justice and trust.

Historical Context: The Amendment of Civil Procedure Code, 2002

Before analyzing the average duration for civil case resolution in the courts of Punalur courts, it is important for us to revisit the 2002 amendment which was introduced to address the procedural delays and streamline the judicial processes. Examining this impact helps us understand whether it has helped in reducing the case pendency in civil courts.

The civil procedure code dated from 1908 governs all sort of civil suits. This was revised timely to keep update with the time. Still with the dramatic changes over the time and with the lump of pending cases the society faced delays in delaying issues. Considering the same Arun Jaitley introduced a bill in 2002 after taking recommendations from political parties, law commissions and bars but the standing committee asked for further changes. In May 2002 they adopted the new measure and it came into after the presidential approval. It aims to remove all sort of delays faced at various stages of litigation which makes the litigation more competitive and quicker.

Some of the amendments which were introduced through this are as follows:

- Section 39- Transfer of decree
- Section 102- No second appeal
- Order V- Issue of summons and Service of summons
- Order VII- Plaint
- Order VIII- Written statement, set off & Counter claim
- Order IX-Appearance & Non-appearance of parties
- Order XVIII- Hearing of the suit & examination of witness
- Order XX- Judgment &Decree
- Order XXI- Execution of decrees & Orders

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In *Salem Advocate Bar Association v UOI*,⁵ an appeal was made to the changes made in the amendment, the learned judges said that the amendments are legitimate. The aim of this amendment is to ensure speedy and efficient justice. Failure for the same will lead to discontent with the public. The said amendment provides for timeframe which helps in avoiding the delays. This aimed to expedite the resolution of cases within an average timeframe of one and a half years. Now let's look whether this objective is fulfilled or not.

SL.NO	Name of the Advocate	How long has your civil case been ongoing?	Average duration for a civil case resolution
1	Adv-1	>5years	> 7 years (can vary as per the circumstances & facts of case)
2	Adv-2	3 years	>7 years(can vary as per the circumstances & facts of case)
3	Adv-3	>5years	>7 years(can vary as per the circumstances & facts of case)
4	Adv-4	5years	>7 years(can vary as per the circumstances & facts of case)
5	Adv-5	44years	>10 years (can vary as per the circumstances & facts of case)
6	Adv-6	>5years	>7 years(can vary as per the circumstances & facts of case)
7	Adv-7	5years	7 years
8	Adv-8	5years	7 years
9	Adv-9	>5years	>7 years (can vary as per the circumstances & facts of case)
10	Adv-10	1year	5 years
11	Adv-11	5years	>7 years (can vary as per the

⁵Salem Advocate Bar Association v UOI, (2005) 6 SCC 344

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			circumstances & facts of case)
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Table (1): Average duration for civil case resolution

The data from the table highlights that the average duration for resolving a civil case in Punalur exceeds seven years which can further extend based on the facts and circumstances of individual cases. Findings from the survey reveal that nearly every case currently handled by advocates has been pending for over five years in which most cases are initiated between 2002 and 2014. Remarkably, one advocate cited a case filed in 1980 that has remained unresolved for over 44 years. This alarming scenario underscores the ineffectiveness of the 2002 amendment to the Civil Procedure Code (CPC)⁶, which aimed to expedite the judicial process that is contrary to its objectives, cases still take upwards of two years, at a minimum, to reach resolution. This give rise to the question as to what cause these delays?

Factors that cause the delays

Sl.NO	Interviewee	Adjournments taken	Factors for delay
1	Adv-1	>30	Overburdened court procedural complexities,
2	Adv-2	>20	Overburdened court procedural complexities,
3	Adv-3	>30	Officers should be empowered
4	Adv-4	>30	insufficient number of judges
5	Adv-5	>30	Overburdened courts- procedural complexities,
6	Adv-6	>20 (depends on case)	Can be procedural complexities, adjournments- depends on case
7	Adv-7	30/more (depends on case)	lack of infrastructure

⁶Civil Procedure Code, 1908

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8	Adv-8	(depends on case)- can be 3 or extend to more than 20	Overburdened court - procedural complexities,
9	Adv-9	(depends on case)- can be 3 or extend to more than 20	Overburdened court, insufficient number of judges
10	Adv-10	>30	Overburdened court- procedural complexities,
11	Adv-11	6 to 20	Overburdened court, procedural complexities, lack of infrastructure

Table (2): Factors for inordinate delays for resolution of case

The findings from Table 1 on the average duration of case resolution naturally lead to the question: What causes these delays and extensions? One significant factor that appears from table 2 is the frequent adjournments. According to the survey, each case experiences an average of 30 or more adjournments. Further delving into the reasons behind these repeated adjournments point toward procedural complexities and in most case this delay happens because of the lack of evaluators exacerbating the already protracted timelines for justice delivery. But does this affect the public faith and loose their trust in administration of justice?

Public perception – in administering justice

SL.NO	Interviewee	How long has your case been filed?	Reason for delay	Did you lose faith in justice
1	C1	>7 years	Adjournments	Yes
2	C2	>5years	Adjournments	Yes
3	C3	>7years	Adjournments	Yes
4	C4	>3years	Adjournments	Yes
5	C5	2years	Adjournments	Yes

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6	C6	>7years	Adjournments	Yes
7	C7	>7years	Adjournments	yes

Table (3): Public perception in administering justice

The survey revealed that clients are increasingly losing faith in the justice delivery system. To them the major attribute this is the frequent postponements of court hearings, often rescheduled to later dates for various reasons, which undermines their confidence in the process. But here arises the question of adjournments. Let's look into this aspect briefly.

Analysis of the Order XVII, Rule 1

Adjournments: As per Order XVII, Rule 1(Court may grant time and adjourn hearing)- it says that court can grant adjournment at any stage of the suit to the parties or to any of them but the reason for the same needs to be recorded in writing. But such adjournments shall not exceed more than three time to a party during the hearing of the suit.⁷

Therefore, from the above we could understand that Rule 1, Order XVII empowers a civil judge to adjourn a mater if there is a reasonable cause for the same and once the hearing of the witness take place it should be on a day-to-day basis until the completion of the examination of all the witness. But the judge can adjourn the same if there is a strong reason or reasonable cause to do so. For other rules says, imposition of a cost if a matter is adjourned.

At the same time, Rule 2 says in what conditions an adjournment can be granted. It depicts that an adjournment can be granted if the situation is beyond control of the parties. And in case if the advocate is not well or some serious issues have occurred, then should arrange another pleader but if the advocate is busy in another case, the judge has the discretion to not to adjourn the matter.

⁷ Order XVII, Civil Procedure Code, 1908.

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In *SK Makbul v SK Sidik & Ors*⁸, it was noted that the advocates often seeks adjournment to delay the hearing, so that they could come up with a strategy, thereby leading to unnecessary delays and thus losing the trust of people in the judiciary. It is to be noted that such adjournments often make both the parties to prepare themselves effectively but most of the time the provision is misused inappropriately by the advocates. In *Anita Bhandari v UOI*⁹, it was noted by the judge that a civil suit must be decided at the earliest that is to a case within one year from the date of institution. But the provision gives a wide judicial discretion to grant the adjournment which affects the validity of the adjournment made by the court. Madras High court, in *Unit Traders v Commissioner of Custom*¹⁰, have pointed out that when a party remains absent for a long, then the case can be heard for ex-parte and same would not amount to violation of natural justice.

Reasons for Adjournment

SL.NO	Interviewee	Reason for Adjournments
1	Adv-1	Non-attendance of Witnesses or parties, Lengthy oral arguments, appointing evaluators or advocate commissioners
2	Adv-2	Non-attendance of Witnesses or parties, Lengthy oral arguments
3	Adv-3	Non-attendance of Witnesses or parties, Lengthy oral arguments
4	Adv-4	Non-attendance of Witnesses or parties, Lengthy oral arguments, appointing evaluators or advocate commissioners
5	Adv-5	Non-attendance of Witnesses or parties, Lengthy oral arguments
6	Adv-6	Non-attendance of Witnesses or parties, Lengthy oral arguments, appointing evaluators or advocate commissioners
7	Adv-7	Non-attendance of Witnesses or parties, Lengthy oral arguments, appointing evaluators or advocate commissioners

So, from the above table it is evident that the reason for adjournment is mostly because of the non-attendance of witness or parties

⁸Sk Makbul v. SK Sidik and ors, AIR 1966 Ori 41.

⁹Anita Bhandari v. UOI, 2003 (2) Guj LR 1093.

¹⁰Unit Traders v. Commissioner of Customs, 2012(281) ELT659 (Mad).

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3. Conclusion & Suggestion

The data and the findings from the survey emphasize the pressuring issue within the judicial system. The persistent delay in the resolution of civil cases strongly undermine public confidence in the administration of justice. Despite the amendments in the civil procedure code in the year 2002 which intends to streamline the judicial process, cases often remain unresolved for decades. The procedural inefficiencies, frequent adjournments, and delays in appointing evaluators are certain factors that contribute to the delays and prolonged timelines. The amjor part among it is the adjournment- mainly no-attendance of the witness or parties. This delay not hampers timely justice but also erodes the public faith in the judicial system because they often endure with the frustration of repeated postponements and prolonged litigation. It is to be noted that even though Order VII gives situation to avoid adjournment. One such is through disposal of case where the parties willfully neglect to appear before the court. But when looking into reality, it is to be noted that if the judge takes a decision o his own case and gives a judgment as ex parte decision. The parties are at discretion to move to court for appeal which again prolong the proceedings for the same. Thereby again overburdening the case. This situation calls for an urgent reform to address the procedural constriction ensuring accountability in the management of case and restore the public confidence in the judiciary's ability to deliver timely and effective justice.

Some of the ways through which this can be done is through;

- Increase the number of judges in the lower courts- thus it will help from reducing the burden of courts.
- In case of adjournments- limiting them by specifying the maximum limit of adjournments that can be taken up in case or strictly following with Order XVII of Civil procedure code, 1908.
- Strictly adhering to the time period specified under the CPC as per the amendments.
- Simplifying the procedure.
- Encouraging alternative dispute resolution.

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