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A Critique: Disposal of Suit at First Hearing Under CPC, 1908

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ABSTRACT

First hearing disposal is a popularized concept which works with the primary goal of efficient judicial system in mind. This paper discusses the process of dismissal of the suits at first instance under the CPC, 1908, together with its advantages and disadvantages. Rules like Order X Rule 1, Order XV and others enable Indian courts to handle routine, time barred or non-extensive trial matters, provided that such matters are decided when no exhaustive issues are involved. However, it is to be noted that while these rules apply well in simple and straightforward cases, their application in other situations is discretionary, making such a process fairly unpredictable and prejudicial to the right to a fair hearing. Therefore, case management approaches together with tight timeframes are indispensable in increasing the efficiency of first hearing disposals. This paper hence aims to underline the importance of changes in judicial systems which balances procedural expediency with fairness, ensuring that first hearing disposals serve as a tool for accessible and effective justice rather than being used only as a method of caseload minimisation.

Keywords: *First Hearing Disposal, Order X Rule 1, Judicial Efficiency, Order XV, & Procedural Fairness.*

I. INTRODUCTION

The civil courts which forms part and parcel of every civilized society, are overburdened and most of the times plagued by years of backlogs. However, the Civil Procedure Code, 1908 offers quite a few ways of dealing with simple cases which do not need trial, one of them being disposing of suits at the first sitting of a court. First hearing disposal is a popularized concept which works with the primary goal of efficient judicial system in mind since it has the potential of relieving the burden on the courts and minimizing time and expenses of the parties concerned.

The provisions like **Order X Rule 1²** and **Order XV of CPC³** enable the courts to adjudicate at the outset if some basic conditions precede such as admission by the defendant or no real cause of action. In this manner, the CPC attempts to dispose of cases where further investigation

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² *Supra* note 1 at 4.

³ *Id.*

is unnecessary and bring timely resolution to such suits. The early disposal is also beneficial in the sense that it prevents judicial congestion, thus keeping the public's confidence in the system since their cases will be promptly determined.

On the following provisions, judicial interpretations show the possibilities and the extents of first-hearing disposals. Landmark cases like '*Balraj Taneja v. Sunil Madan*⁴' have held that while courts try to be efficient, the need to respect the right to fair trial should be considered. Therefore, first hearing disposal needs a proper balance between efficiency and effectiveness to achieve its objectives.

The paper focuses on the extent of first hearing disposal under the CPC, its benefits as well as its limitations and its procedure in other jurisdictions such as U.S.A, U.K. This analysis becomes even more after the introduction new Judicial reforms that have been set to solve tasks such as simplification of civil procedures; reduction of time limits in cases; and enhancement of the citizens' capacity to obtain timely redress. Therefore, this paper, pays attention to the development of a more efficient and effective judicial procedure.

II. LEGAL FRAMEWORK FOR FIRST HEARING DISPOSAL

The Civil Procedure Code of India contains provisions for disposing off the suits in the initial hearing itself. These provisions are mainly provided under **Order X Rule 1** and **Order XV**. These orders enable the court to dispose simple and straight forward matters in the quickest way possible, thereby helping in the reduction of enormous judicial pressure.

Order X Rule 1 of the Civil Procedure Code empowers the court to conduct an oral examination of the parties at the first hearing itself which helps in clarifying issues and obtaining admissions from the parties. Through this rule, the courts discover undisputed facts which helps them decide whether the matter at hand should proceed to a trial or if it should be settled at an early stage.⁵

Additionally, **Order XV** of the Civil Procedure Code strengthens this process as the rules under this order allow for the delivery of judgement in the first hearing itself as long as the conditions presented by the code are met. Such as, **Rule 1 of Order XV**, states that where substantial questions of fact or of law are not in contest, the judge is allowed to make an immediate judgment. In *Desi Kedari v. Huzurabad Co-operative Marketing Society Ltd. (1994)*⁶, the decision of the court was made without a trial as there were no facts or legal questions that

⁴ Balraj Taneja v. Sunil Madan, (1999) 8 SCC 396, (India).

⁵ *Supra* note 2 at 4.

⁶ Desi Kedari v. Huzurabad Coop. Marketing Society Ltd., (1994) SCC OnLine, (India).

required adjudication.⁷

Rule 2 further qualifies the court, in cases with multiple defendants, to take an action against any specific defendant, who does not wish to defend the suit either factually or legally. This rule backs the courts in passing a judgement against any non-contesting defendant, thereby fast-tracking the legal process in simple matters. For example, if a defendant accepts the facts and the legal issues in the claim, then the court can go ahead and make the judgment without having to look for more evidence, provided that the defendant made such an admission willingly and lucidly.⁸

Order XV Rule 3 of the Civil Procedure Code further states that, if the parties are in dispute about any matter of law or fact and no further evidence is required by the court, then following framing of issues, the Court can pass an immediate judgement concerning such a dispute. Such a judgement may also be made for issue settlement or final disposal, wherein there is no opposition from any party involved.⁹

Other provisions under **Order XV** of the Civil Procedure Code include **Rule 4** which allows for a judgment to be passed at the first instance; if the facts admitted by the parties to the dispute are sufficient to determine the case and that no other evidence change the result. However, where there is inadequacy of admissions, the court might grant time for further proof.¹⁰ Finally, **Rule 5** empowers the court to conclude a case if the formulated/ framed issues are settled and the court is content that no further evidence is required in the case.¹¹

However, in the case of **Balraj Taneja v. Sunil Madan (1999)**¹², the court specially pointed out that judicial discretion must be applied while implementing the above rules as the primary aim of fair trial must not be defeated during efficient implementation of rules. Thus, allowing early disposals of a case is a rather useful instrument to provide fast remedies, particularly in cases where legal issues are not disputed or there are no numerous intricate issues to investigate.

III. PROCEDURE FOR DISPOSAL AT FIRST HEARING

The legal framework for disposing of suits at the first instance under the Civil Procedure Code, is designed in a manner to allow efficient determination of simple and straightforward cases. This framework helps the court decide whether a trial is necessary or whether the issues can be

⁷ The Code of Civil Procedure, 1908, Order XV, Rule 1.

⁸ The Code of Civil Procedure, 1908, Order XV, Rule 2.

⁹ The Code of Civil Procedure, 1908, Order XV, Rule 3.

¹⁰ Shashwat Kaushik, Disposal of Suit at First Hearing under CPC: An Analysis, blog.iplayers (Nov. 2, 2024, 8:00 AM), <https://blog.iplayers.in/disposal-of-suit-at-the-first-hearing-under-cpc-an-analysis/>

¹¹ The Code of Civil Procedure, 1908, Order XV, Rule 4-5.

¹² *Supra* note 6 at 7.

resolved based on information available, or admissions or facts not in dispute. Provisions such as Order X Rule 1 and Order XV (as detailed in the previous section) have laid down a certain procedural guidelines in this respect.

(A) Initial Assessment of the Case

The initial evaluation of the case begins from the very first hearing of the dispute. The court herein gauges through the pleadings and the documents filed by the parties to the dispute. This can be done either through the review of the nature of the claim, a quick lookout at the defendant's stance or through a simple determination of such disputes that require a trial. According to **Order X Rule 1**, the court can compel the parties for an oral examination which will assist it in clarifying issues or obtaining admissions and deciphering facts that are undisputed.¹³

(B) Role of Pleadings and Admissions

First hearing disposal depends mainly on the quality of pleadings that are tendered to the court. Unambiguous and specific pleadings allows the court to certainly determine whether the case has any cause of action or if there certain facts admitted by the parties which would help in simplifying the case and finding a speedy and efficient resolution. **Order XII Rule 6**¹⁴ empowers the Court to make judgments based on clear admissions to avoid unnecessary proceedings. Thus, the court may deliver a judgement even without proceeding to trial in cases where in either the defendants have admitted liability or have admitted to certain facts on which the cause of action is based upon.

a. Application by Parties and Judicial Discretion

Parties may apply for disposal of the matter through relevant applications, especially when the matter does not raise any substantial issues concerning both the parties to the dispute. Nevertheless, the court has the discretion to determine whether an early disposal will be favourable for the parties even when no such application has been made for the disposal of the suit. Such a discretion is based on the certain parameters such as whether the issues at hand are purely legal, whether the facts of the case are undisputed or whether the case has any legal ground to proceed further for trial.

b. Judgment and Final Disposal

In the event, wherein the court determines that there is no need of a trial, it may be tender a

¹³ *Supra* note 2 at 4.

¹⁴ The Code of Civil Procedure, 1908, Order XII, Rule 6.

judgement under **Order XV** which provides for disposal of the case at the first hearing. This provision helps the parties in seeking an efficient solution in a much briefer period than it would have been taken if traditional procedural process was opted for. However, it is important to note that judicial discretion must be worked out in a way that meritorious claims are not thrown out prematurely.¹⁵

Thus, the above framework under the Civil Procedure Code, 1908 is majorly aimed at trying to eradicate judicial backlog, enhance efficiency in the disposal of cases and at the same time maintaining fairness when handling civil cases.

IV. CRITICAL APPRAISAL OF THE PROCESS OF FIRST HEARING DISPOSAL

A host of benefits accrue to the Indian judicial system due to the availability of the procedure for disposal of cases at the first hearing under the Civil Procedure Code, 1908. A few of these advantages are listed out below:

One of the primary benefits of this procedure is that it seeks to **assist in solving the problem of congested courts**, where innumerable pending litigations, prolong the process of administering justice. The procedure of first hearing disposal allows for a **quick resolution of those disputes** which do not require a full trial, thereby accelerating the legal process as well as lessening the burden on courts and parties involved. Due to its efficiency, it not only cuts the length of the legal processes, but also reduces the costs and time which the party may take to deal with such lengthy court procedures. Thus, this mechanism squarely addresses the right to expeditious justice which is an important component of the right to a fair trial.

First hearing disposal offers another significant advantage; that is an **improved access to justice**. Such a procedure is beneficial as it speeds the legal process, thereby decreasing the total time taken to determine cases. This is especially good for those who may not be in a position to financially fight large firms or companies for long periods of time. Moreover, with the absence of long drawn court proceedings, more people may be motivated to come forward with their genuine complaints and to seek justice as well as to protect their rights.

Finally, a key advantage of this procedure is the **saving of our judicial resources**. The work of a judicial personnel and the resources available to them are usually a challenge; therefore, the judiciary gains significantly from less caseloads as less and simpler cases are disposed of more swiftly and efficiently. This approach gives judges more time to look closely into cases which are much more complex in nature and call for a thorough examination of evidence and intricate

¹⁵ *Supra* note 12 at 9.

legal advances.

However, while appreciating the benefits of this procedure, it is important to highlight **certain deficiencies** of the first hearing disposal, few of such concerns of may include:

One of the major concerns under this procedure is of **striking a fine balance between procedural efficiency and substantive justice**. Where circumstances are not as clear cut, that is, the issues to the dispute are not very apparent in nature, there is an added danger that the courts may fail to consider fundamental facts or nuances of the case which would only come to light during full trial. Thus, there is likely to be injustice if a case is rushed through by the court without giving all the parties adequate time to present their strong and exhaustive arguments.

Another significant concern is that, **judicial discretion in first hearing disposals**, although necessary, poses a difficulty. It is important that the court's discretion be exercised in a way wherein a party's right to a fair trial is not violated. Courts are very sensitive when employing such provisions as derogatory or reckless disposals can lead to grave injustice. However, this risk highlights the need of adequate safeguards in exercising first hearing disposals so as to achieve fair rulings/decisions.¹⁶

The **blatant abuse of procedure by defendants to get their cases dismissed by the court** is also another major challenge. There is also a possibility that in the absence of strict supervision, the defendants would seek to exploit the provisions of first hearing disposal to escape any sort of liability to be imposed on them. Hence, courts should make sure that this procedure does not put in suspect the process of evaluation of claims of the parties.

Thus, first hearing disposal is a suitable tool for managing caseloads and timely justice delivery, but its usage has to be well controlled to avoid abuses of procedure and to ensure parties' right to fair judgment. That is, balance between efficiency and fairness has not changed and remains crucial to sustain the confidence on the judiciary system.

V. COMPARATIVE ANALYSIS WITH OTHER JURISDICTIONS

The process of first hearing disposal under Civil Procedure Code, 1908 of India is one of the most effective ways to dispose off the cases and to minimize the judicial burden in terms of case backlogs. This process primarily provides an opportunity to the courts to dispose off cases wherein there are no substantial matters at hand in the initial stage itself instead of going for a full-fledged trial. However, the extent of early case disposal varies with different jurisdictions

¹⁶ Analysis of First Hearing Suit Disposal under the Civil Procedure Code (CPC), XPERTS LEGAL (Nov. 2, 2024, 9:00 AM), <https://xpertslegal.com/blog/analysis-of-first-hearing-suit-disposal-under-the-civil-procedure-code-cpc/>

such as the United Kingdom, the United States, and Australia who much like India have different forms of early case disposal.

(A) The United Kingdom

In the **United Kingdom**, provisions concerning early disposal of civil cases are provided under the **Civil Procedure Rules**, which was implemented in 1999. The Civil Procedure Rules (CPR) stresses on pre-trial settlement through ways such as summary judgments, that allows the courts to settle cases early whenever, it feels that the defending party has no reasonable likelihood of success. This procedure resembles to the first hearing disposal in India under Order XV of the CPC but in addition includes **procedural protection mechanisms**. In the UK, even under summary judgment cases, there is a rigorous pre-trial assessment to ensure that cases should not be thrown out without adequate scrutiny. Thus, this procedure ensures that cases are disposed of properly without violating any procedural guidelines; as well as facilitates out-of-court settlements through imposing penalties on those who bring unmerited cases to the court.¹⁷

(B) The United States of America

The **United States of America** has adopted an akin procedure to that of the United Kingdom, that is in accordance with the **Federal Rules of Civil Procedure (FRCP)**, means such as **summary judgements** and **motions to dismiss** are used to dispose of cases at an initial stage itself. Summary judgment refers to a legal procedure wherein cases are dismissed without trial if there is no real dispute of a material fact. Akin to the Indian procedure, this process requires the party to place sufficient evidence in order to showcase that the dispute does not have any merits on the basis of which it can be investigated further. However, one distinct aspect in the US approach is the inclusion of **standard of proof**, whereby the party seeking disposal of the case has to strongly prove that there are no factual disputes. Furthermore, a thorough discovery procedure preceding the pre-summary judgment prevents premature disposal of a matter as the parties and the court are allowed to have a comprehensive view of the case, thereby considerably reducing the risk of wrongful disposal. Thus, even though this process is time-consuming, it is only so for the purpose of safeguarding the rights of the parties involved in the cases.¹⁸

a. The Commonwealth of Australia

In **Australia**, early disposal procedures are reflected in provisions for summary judgements similar to those in the UK and the US, but in addition, procedures such as **strike-out applications** are also included. Under strike-out applications, claimants can have their claims

¹⁷ The Civil Procedure Rules, 1999, (U.K).

¹⁸ The Federal Rules of Civil Procedure, 1938, (16th September, 1938), (U.S.A).

struck out if they lack a reasonable foundation or have not disclosed the cause of action. This approach, seen under **Order 15 of the Federal Court Rules**, is keen on the exercise of judicial discretion and tries to prevent dismissal of any case that has merits. It is to be noted that Australian courts are quite conservative on the issue of early disposal and thus ardently uphold procedural protection, which allows for cases with merits to proceed for trial. Moreover, a mandatory mediation provision is in place to try and reduce the number of cases that proceed to the summary judgement stage unfairly.¹⁹

A few **lessons that India can incorporate** into their judicial system from other jurisdictions include the provisions concerning pre-trial procedures and discovery processes, as they tremendously assist in giving insights into the case at an early stage. Though the discovery process can be costly and time-consuming, it helps in making sure that any case that has merits gets a fair trial. Thus, CPC provisions, primarily **Order X Rule 1** and **Order XV** can be strengthened by embedding other procedural safeguards like structured mediation or extensive evidence assessment. Other safeguards such as rigorous pre-trial assessment, as well as imposition of cost consequences on less meritorious cases, could help immensely in cutting down the premature disposal.

In conclusion, while India's early hearing disposal is in consonance with global practices, the experience of other jurisdictions can be incorporated in our judicial system. Thus, it can be recommended that India should bolster its early disposal mechanism to improve judicial effectiveness, while simultaneously protect the procedural rights of the parties to a suit.

VI. SUGGESTIONS

To bring improvement in the process of first hearing disposals in India certain reforms can be made both in terms of efficiency as well as even-handedness.

One of the major suggestions includes adequate implementation of **structured pre-trial processes**, which would help in filtering out those cases that could be disposed of early under this procedure. Such pre-trial processes can include screening of the pleadings as well as evidence, thereby providing the court with a heads-up prior to trial on whether a case really warrants trial.²⁰

Another recommended change is to make **pre-trial mediation mandatory**. This procedure, obligatory in Australia, not only helps to decrease the workload of the court but also gives the parties a chance to solve the dispute in a more time- and cost-effective manner as compared to

¹⁹ The Federal Court Rules, 2011, Order 15, (Australia).

²⁰ *Supra* note 18 at 13.

a trial. In the context of the Indian legal system, structured mediation sessions prior to the first hearing of a case can help in resolving cases, thereby reducing the considerable backlog of cases that need judicial intervention.

Another possible reform could be to **introduce monetary disincentives** on unmaintainable claims. Drawing from the UK model, this reform seeks to penalize parties who wish to engage in frivolous litigations. This could possibly help in discouraging people from pursuing cases that lack any merit. Thus, such sanctions prevent inefficiency in utilization of judicial resources as well as prevents a blatant abuse of the process of first hearing disposal.

Lastly, India should consider the adoption of **pre-hearing limited discovery procedures**. This means that when the court starts thinking of early disposal of the case, then the facts required to come to such a conclusion must have been exchanged between the two parties. Thus, restricted discovery may aid the courts in defining the matters in question, and perhaps decrease the frequency of wrongful dismissals at the initial hearing.²¹

In conclusion, these reforms aim at improving the first hearing disposal procedure, but not at the cost of judicial efficiency or procedural fairness.

VII. CONCLUSION

The mechanism of the first instance disposal under the Civil Procedure Code of 1908 is an important means to increase the efficiency of trials while not depriving the parties of their right to justice. This provision enables the courts to make judgements in cases where no full trial is required, provided that such cases do not involve any real legal issues. Therefore, the main purpose of this procedure is to reduce the burden on the judicial system by decreasing the enormous number of pending cases. But its success requires the proper application of judicial discretion and efficiency.²²

For the process of first-hearing disposals, certain reforms are recommended, such as preliminary screening to identify issues that require early disposal and pre-trial mediations which the parties may seek to help them resolve the case without litigation. Furthermore, measures such as imposing sanctions on deceitful cases in order to safeguard the judicial system, along with limited discovery processes, can increase the authority of the courts in obtaining the proper information about a case, thereby minimizing wrongful disposal.

In conclusion, these reforms aim to create a judiciary that provides effective justice without

²¹ *Supra* note 23 at 15.

²² *Supra* note 12 at 9.

compromising the fundamental rights of its citizens. Thus, the ambitions of India should be to enhance the image of its legal framework in public eyes and to achieve justice as fast and as fairly as possible for each party involved.
