

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
الْحَمْدُ لِلَّهِ الَّذِي
خَلَقَ السَّمَوَاتِ وَالْأَرْضَ
وَالَّذِي جَعَلَ الْمَوْتَ
وَالْحَيَاةَ ۗ وَهُوَ
الْحَكِيمُ الرَّحِيمُ

CASE MANAGEMENT TECHNIQUE (Civil)

• BY

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MANAGEMENT

What is Management

DEFINITION No.1

“Getting things done through people”.

DEFINITION No.2

Management is an art of maintaining an environment for the purpose of efficiently accomplishing selected aims”

AIMS OF MANAGEMENT

The goal of all managers is to achieve a favorable output-input ratio within a specified time period with due consideration for quality.

Getting maximum result with
minimum efforts

Maximum prosperity for employer
and employees.

Aim & Object of court and Case Management is to:

Ensure inexpensive and expeditious justice.

MANAGEMENT:

ART

or

SCIENCE ?

Managing as a practice is an art;
organized knowledge about management
is science.

Stakeholders in Court Management.

- Judges (Court Managers)
- Supportive staff.
- Lawyers.
- Litigant Public.

QUALITIES OF A GOOD JUDICIAL OFFICER.

He/She should be:

- a) Impartial
- b) Independent
- c) Competent
- d) Efficient

PRE-COURT PREPARATIONS

- Arrival in the Court.
- Punctuality and proper dress.
- Office stationary and other logistics

CONDUCT OF A JUDGE

- Never opt posting on a station of choice.
- Uniform policy at one station.
- Study every available code of conduct for judges for practice.
- Punctuality and proper dress.
- Judges to be cool, calm and quiet.
- Control your temper
- Judge should be as deep as sea.
- Never disclose your opinion- Judges speak through their judgments only.
- Be polite with lawyers and litigants.
- Visitors in chambers not to be encouraged.
- Take rest/casual leave when overwhelmed by tension and overwork.

Bench and Bar relations

- Judges are also lawyers by caste.
- Lawyers are teachers of judges.
- Judges-lawyers conferences to be convened.
- Pronounced judgments in the absence of counsel.
- Never argue with a lawyer.

Case Management (introduction)

- Case management is a set of actions a Court takes to monitor and control the progress of cases.
- It relates to the movement of cases right from their registration all the way through until their disposal.
- As far back as in the sixteenth century, William Shakespeare's, Hamlet cited "Law's delay" as a reason for preferring suicide to continuing life. Then, in the nineteenth century William E. Gladstone said that "Justice delayed is justice denied".

Case Management Technique (Civil)

PLAINT

Relevant law (Order-4 read with O-6 & 7
C.P.C/Vol.1, Ch.1, part-C, HRO; form of register-1)

- A Court takes cognizance of a civil case when a plaint is presented or entrusted to it.
- The plaint shall be scrutinized and it be registered on admission.
- Specific procedure in suits in which government is a party. (Ss.79 & 80 of C.P.C.)

How to scrutinize plaint?

- Name and parentage of parties.
- Addresses
- Contact No.
- E-mail
- Fax
- Facts constituting the cause of action
- Jurisdiction
- Limitation
- Copies of Plaint etc.

Service of Process

(O.5,C.P.C./Vol.1,Ch.1,Part-D,HRO)

- When a suit has been duly instituted a Summons may be issued to the defendant to appear and answer the claim on a day to be therein Specified.

Attendance (o-9 and 10 of C.P.C.)

- Procedure on appearance of defendant(s)

Written Statements

(O.8 C.P.C./Vol.1,Ch 1, Part –E,HRO)

- Procurement of written Statement.

Issues

(O.14 & 15 CPC/Vol.1 Ch. 1, Part F, HRO)

- Examination of the pleadings and the parties at the first hearing and framing of issues if parties are at variance.

Evidence

(O.16 C.P.C/Vol.1,Ch.1-H;Ch.5,part A,B,Ch.9,
HRO)

- Application of rules of procedure and practice for summoning and recording evidence of official witnesses, such as Patwari; and to have control on examination and cross examination of witnesses.

ARGUMENTS

(O.20,r.1 C.P.C; Vol.1, Ch.1-H, HRO)

- The Presiding Officer shall know and follow all the cannons of patient hearing.

JUDGMENT

- Management of cases need to be in such a way so as to decide the matter and write judgment as soon as possible.

CONCLUSION

3 Cs

- Compilation.
- Completion.
- Consignment.

EXECUTION OF DECREE (O.21, vol.1, Ch.12-A HRO)

- Application of the relevant procedure to ensure execution in time.

Objection Petition

- Application of relevant rules. (S.47, 48, O.21, R.23-A C.P.C.)

Management of Misc: Applications

- Not to allow abuse and misuse of judicial discretion.
- Applications such as,
 - Injunction.
 - Restoration of suit.
 - Summoning of witnesses.
 - Issuance of commission.
 - Amendments.
 - Setting aside ex-parte decree etc

CONDUCT OF ADVOCATE

- No authority for check and balance.
- Bar council is not effective.

Key to Case Management

- Personal interest of:

- Presiding Officer

Thank you