

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No.1889-1891/2025
in C.A. No.3640-3642/2025

PERIYAMMAL (DEAD THR. LRS.) & ORS.

Petitioner(s)

VERSUS

V. RAJAMANI & ANR.

Respondent(s)

IA No. 107226/2026 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 107225/2026 - INTERVENTION APPLICATION

Date : 19-08-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :By Courts Motion, AOR
Ms. Mrinal Kanwar, AOR

Mr. Gopal Sankarnarayanan, Sr. Adv.
Mr. Shaurya Dasgupta, Adv.
Ms. Chinmayee Chandra, Adv.
Mr. Mohit Singh, AOR

For Respondent(s) :Mr. Rahul Jain, AOR
Ms. Raji Gururaj, Adv.

Mr. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Chitrangda Rastravara, Adv.
Mrs. Rajeshwari Shankar, Adv.
Mr. Piyush Beriwal, Adv.
Mr. Shantanu Awasthi, Adv.
Ms. Shreya Jain, Adv.
Ms. Hemadri Sharma, Adv.
Mr. Ram Koney, Adv.

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.
Mr. Varij Nayan Mishra, Adv.

Mr. Vishnu Shankar Jain, AOR

Mr. Gopal Jha, AOR

Ms. Shireesha Sharma, Adv.

Mr. Sawan Datta, Adv.

Mr. Veer Vikrant Singh, Adv.

Mr. Nimish Arjaria, Adv.

Ms. Priyanshi Goel, Adv.

Mr. Ahanthem Henry, Adv.

Mr. Ahanthem Rohen Singh, Adv.

Mr. Mohan Singh, Adv.

Mr. Aniket Rajput, Adv.

Ms. Khoisnam Nirmala Devi, Adv.

Mr. Yeshu Mehta, Adv.

Mr. Tanay Hegde, Adv.

Mr. Ravi Kumar Bodhani, Adv.

Mr. Kumar Mihir, AOR

Mr. Arjun Garg, AOR

Ms. Muskan Bensla, Adv.

Ms. Mrinmoyee Das, Adv.

Mr. Sanjai Kumar Pathak, AOR

Mrs. Shashi Pathak, Adv.

Mr. Arvind Kumar Tripathi, Adv.

Mr. Robin Kumar, Adv.

Mr. Ashish Kumar Sinha, Adv.

Mrs. Binita Jaiswal, Adv.

Mr. P.I. Jose, AOR

Ms. P S Chandralekha, Adv.

Mr. Asit Gupta, Adv.

Mr. Virat Shrivastava, Adv.

Mr. Vishal Prasad, Adv.

Mr. Vivek Kumar, Adv.

Mr. Avneesh Arputham, AOR

Mr. Ankit Sharma, Adv.

Mr. Sandeep Sudhakar Deshmukh, AOR

Mr. Nishant Sharma, Adv.

Mr. Ankur Savadikar, Adv.

Mr. Kartik Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. In pursuance of our last order dated 25.05.2026, the Union of India in its Ministry of Law and Justice has filed

an affidavit duly affirmed by the Under Secretary, Department of Legal Affairs stating that upon examination of the draft Commercial Courts Rules, 2021 (for short, "the Rules, 2021"), it was found that the procedure proposed under the draft Rules would overlap with the procedure already laid down in the Code of Civil Procedure, 1908.

2. The stance of the Union is that in the event of any conflict, the provisions of the CPC would prevail over the proposed Rules, 2021 unless and until the rules themselves form part of the Code of Civil Procedure, 1908 as amended in its application to the Commercial Courts Act, 2015 under the schedule to the said Act.

3. Ms. Aishwarya Bhati, the learned A.S.G would submit that a Committee has been constituted to look into this aspect. A meeting of the Committee was convened on 09.06.2023 wherein it was resolved that instead of invoking the rule making power under Section 21A of the Act, 2015, the necessary amendments may be carried out in the schedule to the Act, 2015 along with consequential amendments in the CPC in order to give effect to the proposed draft Rules, 2021.

4. She further submitted that the provisions of the draft Rules 2021 wherever feasible are being considered for incorporation in the proposed amendments to the Act, 2015.

5. *Prima facie* it appears that there has been no further progress in this regard after 2023.

6. We request Ms. Bhati to take up this issue with the

concerned Department and see to it that there are further deliberations in this regard and something is worked out in the larger interest of justice.

7. We have undertaken this exercise keeping only one thing in mind that a decree holder should not be deprived to reap the fruits of his decree for years together.

8. Our orders passed over a period of time would indicate that lakhs of execution petitions are pending in various courts across the country.

9. If execution petitions are going to take years together before they are taken up for hearing and decided, it would practically frustrate the decree which the decree holder has obtained in his favour.

10. By our order dated 25.05.2026 referred to above, we had requested all the High Courts across the country to consider establishing the District Execution Cell in accordance with Rule 51 of Chapter XII of the draft Rules, 2021.

11. We requested the High Courts that such Execution Cell may be set up in exercise of supervisory jurisdiction under Article 227 of the Constitution.

12. We had sought the opinion of all the High Courts in this regard.

13. We are informed that 13 High Courts have so far responded to the same.

14. We request both Mr. Gopal Sankarnarayanan, the learned senior counsel and Ms. Aishwarya Bhati, the learned A.S.G

to look into these reports of various High Courts which are on record and also the reports that may be filed in future and assist us in this regard.

15. We request Mr. Sankarnarayanan to assist us as Amicus and place on record the judgment rendered by a learned Single Judge of the Delhi High Court on its original side wherein there are some valuable suggestions put forward by the learned Judge as regards effective and expeditious disposal of the execution petitions.

16. Ms. Bhati, at this stage pointed out that in fact, the necessary amendments have been recommended in the Act. A draft Amendment Act is also put in public domain and objections have been invited. The objections are now being considered before giving final effect to the draft Act.

17. List on 24.09.2026.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)