

A Critical Analysis on Long Run Disposal of Civil Cases and Measures Regarding the Speedy Disposal of the Same

¹G. Madhumitha²V. Nivetha¹ Bba,Llb (Hons),Iv Year,Saveetha School Of Law,Saveetha Institute of Medical and Technical Sciences(Simats),Saveetha University,Chennai 600077,Email Id Madhuhasini1999@Gmail.Com

Contact No 9489581814

¹Assistant Professor ,Saveetha School of Law,Saveetha Institute of Medical and Technical Sciences(Simats),Saveetha University,Chennai 600077,Email Id Niveethav.Ssl@Saveetha.Com

Contact No:9940326497

Article Info

Volume 83

Page Number: 2267 - 2275

Publication Issue:

May - June 2020

Article History

Article Received: 11August 2019

Revised: 18November 2019

Accepted: 23January 2020

Publication: 10 May2020

Abstract:

The Present study to know about the concept of Long run disposal of property .The legal practitioners in current trends are focused on the civil suits ,as the civil suits provides an abundant earning pathway and provides for the successful growth of legal practitioner.The research is exclusively focused on the long run disposal of civil suits and legal measures regarding the speedy disposal of the same .The research has majorly been focused on various questions and analysis ,one among those is considered to be the strategical measures of Advocates in prolonging the property cases for their better earning ,which eventually been analysed through the opinion of Advocates.The research also focused on providing the remedial measures regarding the speedy disposal of same which has been discussed on this current thesis.

Keywords: Property,Remedial measures ,Disposal ,Civil suits ,Property cases.**INTRODUCTION:**

Civil Procedure Code is considered to be the important procedural Law which governs the administrative procedure related to the civil procedures in india..The research has been mainly dealt with analysing the procedural Aspect of the Long term dispute related to property and Remedial measures on the same

There are quantum of cases which has not been seriously disposed of by court on considering the circumstantial background of the case.Many judicial authority and divisions have been appointed by the court to deal with such cases as on considering the aspectual background of long run process of the suit.The main intention on the formation of various court which includes District Court , High court and Supreme court. Which basically be formed for the purpose of

convenience related to the provision. .On considering procedural aspect of easy disposal of the case.

The Aim of the research is **To analyse the conceptual Background of the disposal of civil cases and its mechanism,The main objective is To identify the reason for the long term disposal of civil cases ,To explain the reason and solution on considering such problem .**

REVIEW OF LITERATURE:

1)ACCORDING TO HUGO FRINDSHED “
The Civil procedure Code has mainly been dealing with the procedural aspect of the research . The main procedural behind the formation of such procedural aspects is to conduct the various procedures for the property issues .The procedural aspect as such to analyse the earlier disposal of

civil nature which has been followed for a long period of time”(Young, n.d.)

2) ACCORDING TO JOHN WICKS “The Author explains that if the plaintiff case has been in existence for a long period of time as a civil suit in specific jurisdiction the court. The Defendant has been provided with specific legislation on the civil procedure Code under section 22 to make an application in for the transfer of cases to the high court on the specific jurisdiction on which the cases can be filed”.(Young, n.d.; Straus, n.d.)

3) ACCORDING TO JOSEPH STAIN “ The Author explains that explains that section 22 and 23 of Act specifically explains and provides and provides opportunities for the plaintiff has a choice of two or more courts for transfer of cases in which the institution of Suit can be made”(Young, n.d.; Straus, n.d.; Menyhárd 2017)

4) ACCORDING TO ROSEPOUND “The Author explains regarding the Application of the transfer of cases by the plaintiff The application on being accepted will help in transferring cases from one court to another court .The Application which has been mentioned under the section 24(1) which proves its application..”(Bently et al. 2018)

5) ACCORDING TO PAUL EINSTEIN “The Author clearly explains the basic ideology of the long run disposal of suit .and according to him it has only relied on the analysing three stages 1) To collect evidences ,To examine witnesses ,Filing of appeal,which eventually lead to slow disposal of suits ”(Chandra 2010)

6) ACCORDING TO BLACK LAW DICTIONARY” The Author have mainly focused on finding out the problem of long term disposal of civil cases and The concept of various new emerging courts and the Public Interest litigation and the Right to Information which has made the court in taking the case very easier on the sametime”(Chandra 2010; Simser, n.d.)

7) ACCORDING TO SRINIVASAN“The Author is of opinion that the longer disposal of suits happens due to strategic measure of

Advocates .The Advocates plans and involved in case and who eventually prolongs it ”(LAW JOURNAL et al. 2012)

8) ACCORDING TO ROSEWOOD “The Authors have mainly focused on the main foundation regarding the recruitment of various judges on considering the issue to mainly plays a role in the reduction of cases by dealing such matters”(Oregon et al. 1863)

9) ACCORDING TO WEBSTER DICTIONARY The Author has clearly explains the various psychological problem that eventually been caused the parties due to the long run hearing of cases by parties and which eventually lead to formation of the frustration of enjoying the fruitfulness of the result ”(Heiser 2012)

10) ACCORDING TO LAKSHIMI GUPTA ” The Author have mainly focused on main contention regarding the transfer of cases according to the pecuniary jurisdiction of the case and the case of action of the case. Many interpretation has been made by the various students and faculties regarding (John Marshall Review of Intellectual Property Law 2012; Rahman 1986)The formation of various new concept regarding the long term disposal of civil suits “

11) ACCORDING TO VINAY PAUL“ The Supreme Court On various plea made the statement regarding the long term disposal time of property and its nature regarding the same such disposal of property. The main problem behind the speedy disposal is to analyse the process of property dispute and its”(vinaypaulet @ 2017)

12) ACCORDING TO BOSNIAK “The property issues have been considered to be important in current contemporary world .The property process has to be mainly analysed keenly analysed by the judges for interpretation of the same”(Faber et al. 2012; Stephen 1872)

13) ACCORDING TO MARSHALL “The Author explains regarding status and related issues on considering the various background

measures on considering the issues and which has played a vital role as per the research has been concerned with the area”(Law Reform Commission of Tanzania 1983)

14) ACCORDING TO GARIMA SINGH “The author clearly the process and problem which clearly explains regarding the court procedural and its process which has to be analysed by undergoing lot of process and procedural background”
” (Law Reform Commission of Tanzania 1983; MADRAS and Presidency of. Court of Sadr ’Adālat 1855)

15) ACCORDING TO RHEE “The main intention behind the problem of Disposal of property is considered to analysed .The main delay in speedy disposal of property is concerned, which has to be followed with and analyse as per the property and its essential amenities.(Law Reform Commission of Tanzania 1983; MADRAS and Presidency of. Court of Sadr ’Adālat 1855; van Rhee 2004)”

16) ACCORDING TO RHEE “ The Author has clearly explained the main intention of research and its essential components of the research is concerned .The main process behind the formation of property and its main legislation is to deal with the process of protecting the nature of legislative intent and its process.”(Law Reform Commission of Tanzania 1983; MADRAS and Presidency of. Court of Sadr ’Adālat 1855; van Rhee 2004; Ray, n.d.)

17) ACCORDING TO IBRAHIM “ The assumption is that ‘knowing’ oneself and others in terms of ‘knowing’ power relations will lead to the ‘inclusion’ of different epistemologies into an understanding of citizenship. Importantly,

McIntosh recognizes the gendering of citizenship and this explicit attention to difference within a normalized version of citizenship is important to a critical theory of global citizen-subjectivity “
. (Miller 1995)(India 1878)

18) ACCORDING TO PIKE “ The Author explains regarding the long term disposal of property issues and the major disposal of such issues on considering the various remedial measures for the property disposal and filing of suits for the summary trial and the case according to the pecuniary jurisdiction of the court and its particular issue on the same”(India 1878; Chatterjee 2019)

MATERIALS AND METHODS:

The current study based on the empirical research. It is consisting of the scientific frame of research. It began with the finding of research problem based on the review of literatures. the major contribution of the study is to collect the legal facts of particular area and to test hypothesis of a cause –effect relationship between variables. The research design is exploratory and experimental. It explored the problem tested with hypothesis and provide the solution from the analysis. Convenience sampling method is used (Non probability sampling). The sample size is 1500 .The data is refined finally reported as 1500 Data is collected through the primary and secondary sources. Questionnaire is used as the primary data collection and the articles, journals, reports, newsletters are considered as the secondary sources. The analysis is done by using SPSS 21 version. The analysis is carried out for demographic statistics (Gender, Age, Status and Occupation) and hypothesis testing correlation and cross tabulation is used.

RESULTS AND DISCUSSION:

	Age range	Gender	Marital status	Educational Qualification	Occupation	Annual Income
--	-----------	--------	----------------	---------------------------	------------	---------------

N	Valid	1500	1500	1500	1500	1500	1500
	Missing	0	0	0	0	0	0

DISCUSSION:

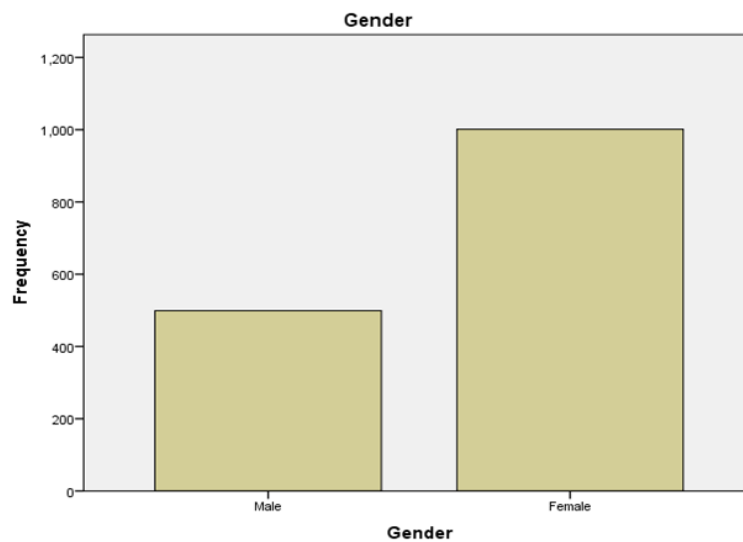
The statistical table helps in clearly analysing the missing values and various valid values .The valid values are considered to be 1500and there is

no missing value as the research data was available to all pers

Frequency Table

Gender

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Male	499	33.3	33.3	33.3
	Female	1001	66.7	66.7	100.0
	Total	1500	100.0	100.0	

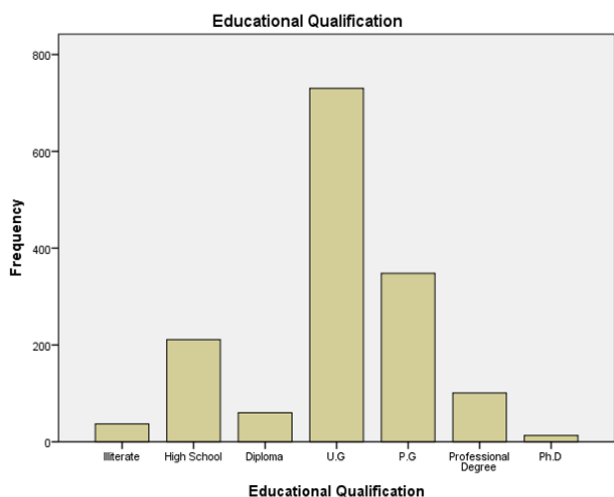


DISCUSSION:

Gender explanation of the people .The female percentage was 66.7%,Male is 33.3% .The figures mentioned above clearly explains .The questionnaire survey contain basic essential things to know about the people and their opinion to make this research effective The research also contain various basic elements like Age ,Gender ,Educational qualification Current status etc

Educational Qualification

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Illiterate	37	2.5	2.5	2.5
	High School	211	14.1	14.1	16.5
	Diploma	60	4.0	4.0	20.5
	U.G	730	48.7	48.7	69.2
	P.G	348	23.2	23.2	92.4
	Professional Degree	101	6.7	6.7	99.1
	Ph.D	13	.9	.9	100.0
	Total	1500	100.0	100.0	



DISCUSSION:The different explanation was given to them by expressing their views through the educational qualification. The above mentioned table contains the Age, Gender, Educational qualification, Occupation. The educational qualification group was divided into four categories: Illiterate, High school, Diploma, U.G, P.G, Professional Degree, PHD. The overall percentage of and frequency of the person and the valid percentage is that 2.5%, 16.5%, 20.5%, 69.2%, 92.4%, 99.1

Age range * 9. Property cases on court takes long time span when compared with other cases.

Crosstab

Count

		9. Property cases on court takes long time span when compared with other cases.					
		Strongly agree	Disagree	Neutral	Agree	Strongly disagree	Total
Age range	<18	2	0	11	23	11	47
	19 - 30	380	275	16	44	21	736
	31 - 40	439	106	0	50	41	636

41 - 50	10	2	23	26	0	61
50+	7	0	0	13	0	20
Total	838	383	50	156	73	1500

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	699.400 ^a	16	.000
Likelihood Ratio	486.655	16	.000
Linear-by-Linear Association	.226	1	.634
N of Valid Cases	1500		

a. 8 cells (32.0%) have expected count less than 5. The minimum expected count is .67.

DISCUSSION:The Above mentioned table contain the Age ,Gender ,Educational qualification, Occupation.Age group was divided into the four categories Less than 18,19 to 30,31 to 40,41 to 50 ,Above 50 . The over all percentage of and frequency of the person and the valid percentage is that 3.1% for 1st categories 52.2% The of second categories,The other category.Is 94.6%,98.7% and 100.0% The Educational Qualification also explains the percentage of the educational qualification as considered deemed important . also ronglexplains the percentage of the people.The Gender explanation of the people.The female percentage was 66.7% ,Male is 33.3%. The analysis clearly explains the disposal takes more time on property issues as the property issues are long run regarding the survey and its uses.The strongly agree was taken by all populations which has been through the total value of 838 and which eventually proves the

Age range * 10. Do you agree that cases are pending on court due to the strategical measures of the advocates?

		10. Do you agree that cases are pending on court due to the strategical measures of the advocates?					Total
		Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	
Age range	<18	12	11	1	23	0	47
	19 - 30	0	332	27	226	151	736
	31 - 40	11	116	7	64	438	636

41 -	23	10	26	0	2	61
50						
50+	7	0	0	13	0	20
Total	53	469	61	326	591	1500

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	1050.273 ^a	16	.000
Likelihood Ratio	774.470	16	.000
Linear-by-Linear Association	39.096	1	.000
N of Valid Cases	1500		

DISCUSSION:

The Above mentioned table contain the The figures mentioned above clearly explains the pending cases are due to strategic measures of Advocates. . The question has basically been answered through the acceptance by the population of 591 which proves the strong acceptance of that the cases that the advocates makes an strategic moves which is directly linked with the long run disposal of case.As the majority stands of this purview makes the research more specific concentration towards the acceptance of the reason of strategical measure of Advocates and the long run disposal of the case .

FINDINGS:

The statistical table helps in clearly analysing the missing values and various valid values .The valid values are considered to be 1500and there is no missing value as the research data was available to all pers.The different explanation was given to them by expressing their views through the Age The Above mentioned table contain the Age ,Gender ,Educational qualification, .Age group was divided into the four categories. Less than 18,19 to 30,31 to

40,41 to 50 ,Above 50 .The over all percentage of and frequency of the person and the valid percentage is that 3.1% for 1st categories an The 52.2% of second categories,The other category. Is 94.6%,98.7% and 100.0%. Gender explanation of the people .The female percentage was 66.7%,Male is 33.3% .The figures mentioned above clearly explains the procedures regarding the disposal of case .The questionnaire survey contain basic essential things to know about the people and their opinion to make this research effective The research also contain various basic elements like Age ,Gender ,Educational qualification Current status etc.:The different explanation was given to them by expressing their views through the educational qualification The Above mentioned table contain the Age ,Gender ,Educational qualification, Occupation .educational qualification group was divided into the four categories.Illiterate ,Highschool ,Diploma ,U.G ,P.G, Professional Degree, PHDThe over all percentage of and frequency of the person and the valid percentage is that 2.5%,16.5%,20.5%,69.2%,92.4%,99.1%. The Above mentioned table contain the The figures mentioned above clearly explains the way of

mentality of people on sexual assault on women. The questionnaire survey contains basic essential things to know about the people and their qualification to make this research effective. The research also contains various basic elements like Age, Gender, Educational qualification, Current status, etc. The research also contains enormous things regarding the survey and its uses. The questioner was really helpful to know how much people are aware about the women labour sexual assault and its causes. The various people who are aware about this and also many young people are also aware of such facts. The Frequency table also explains about the various Age groups of people 18 to 25, 25 to 35, 35 to 45, 45 to 50, 50 above and which was described from the sampling is for basically 1476 people. The valid percentage of first group of people is 39.9%

RECOMMENDATION:

1) SPEEDY DISPOSAL OF CASE:

The civil case has to be disposed in a speedy manner to provide with speedy justice to the people by way of analysing its procedural background of the case and its importance in a case to be understood as which is important as per the procedural aspects.

2) TRANSFER OF CASES

The case has to be distributed to the other court which also included the settlement of dispute outside the court which also includes Arbitration, conciliation and Mediation practice which helps in speedy disposal of the case.

3) AVOIDING DELAY OF A CASE

The delay of the cases by the court has to be avoided and which also included the appointment of speedy allotment of hearing dates and which included allotment of dates in particular day on which such day has to be mentioned.

CONCLUSION:

The main conceptual background behind the research is to analyse the process and problem behind the research. The main idea behind the research is to identify the backgroundal concept of long term disposal of property issue and the

problem behind the same which has to be analysed behind the concept and process. The main aim of enactment of section 101 of civil procedure Code is to pave way for the speedy disposal of the case and its process. The summary trial and its court has been formed to provide various remedies to the society. The main intention behind the process and problem of the research is concerned. The identity behind the process and problem of the same. The research has been mainly dealt with the process of cases and formation of ad hoc cases and its purpose is to serve the cases and easy disposal of same. The case has been considered on the background of the case is concerned, The case has been made with analysing the concept of the survey which has been taken from public.

REFERENCE

- [1] Bently, L., B. Sherman, D. Gangjee, and P. Johnson. 2018. "49. Civil and Criminal Remedies." *Intellectual Property Law*. <https://doi.org/10.1093/he/9780198769958.003.0049>.
- [2] Bisordi, Costanza, Raffaele Arigliani, Filippo Quattrone, and Pier Luigi Lopalco. 2019. "[Policy changes introduced by the national vaccine prevention plan and the mandatory vaccination law of 2017: opinions and attitudes of Italian healthcare workers]." *Igiene e sanita pubblica* 75 (3): 249–61.
- [3] Chandra, Rajshree. 2010. "Issues in the Moral Grounding of Intellectual Property Rights." *Knowledge as Property*. <https://doi.org/10.1093/acprof:oso/9780198065579.003.0009>.
- [4] Chatterjee, Patralekha. 2019. "Modi's Health Reforms: Between Hope and Hype." *The Lancet* 394 (10208): 1495–98.
- [5] Crump, David, William V. Dorsaneo III, Rex R. Perschbacher, and Debra Lyn Bassett. 2012. *Cases and Materials on Civil Procedure*. LexisNexis.
- [6] Faber, Dennis, Niels Vermunt, Jason Kilborn, and Tomáš Richter. 2012. *Commencement of Insolvency Proceedings*. OUP Oxford.
- [7] Heiser, Walter W. 2012. *California Civil Procedure*. LexisNexis.

- [8] India. 1878. *Commentaries on the Code of Civil Procedure (Act No. X of 1877)*.
- [9] John Marshall Review of Intellectual Property Law. 2012. *Applications of Intellectual Property Law in China: RIPL's Special Issue 2012*. Quid Pro Books.
- [10] Law Reform Commission of Tanzania. 1983. *Delays in the Disposal of Civil Suits*.
- [11] MADRAS, and Presidency of. Court of Sadr 'Adālat. 1855. *Rules of Procedure in the Reception, Trial and Disposal of Civil Suits*.
- [12] Menyhárd, Attila. 2017. "Property Law in the New Hungarian Civil Code: Key Issues." *Ius Gentium: Comparative Perspectives on Law and Justice*. https://doi.org/10.1007/978-3-319-63327-5_5.
- [13] Miller, David. 1995. *On Nationality*. Clarendon Press.
- [14] Oregon, Matthew Paul Deady, Addison Crandall Gibbs, and James Kerr Kelly. 1863. *The Code of Civil Procedure and Other General Statutes of Oregon: Enacted by the Legislative Assembly at the Session Commencing September 8, A.D. 1862*.
- [15] Rahman, Rafiqur. 1986. *Civil Litigation in Bangladesh*.
- [16] Ray, Sukumar. n.d. *The Code of Civil Procedure*. Universal Law Publishing.
- [17] Rhee, C. H. van. 2004. *The Law's Delay: Essays on Undue Delay in Civil Litigation*. Intersentia nv.
- [18] Simser, Jeffrey. n.d. "Perspectives on Civil Forfeiture." *Civil Forfeiture of Criminal Property*. <https://doi.org/10.4337/9781848446212.00011>.
- [19] Stephen, James Fitzjames. 1872. *The Indian Evidence Act (I. of 1872)*. Straus, Joseph. n.d. "Ordre Public and Morality Issues in Patent Eligibility." *Intellectual Property in Common Law and Civil Law*. <https://doi.org/10.4337/9780857934376.00009>.
- [20] Young, Simon N. M. n.d. "Civil Forfeiture for Hong Kong: Issues and Prospects." *Civil Forfeiture of Criminal Property*. <https://doi.org/10.4337/9781848446212.00022>.