

What comes after Judgement Day: A survey of decree enforcement proceedings in India

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December 24, 2025

Abstract

How long does it take to enforce a court decree in India? This paper seeks to answer this question for civil and commercial litigation and arbitration awards. We measure the duration and mode of disposal of about 20,000 applications filed before the Bombay High Court for the enforcement of court decrees during an eight year period. We find that it takes close to two years to enforce a decree in India. While this finding aligns with anecdotal estimates, we dig deeper to find how such application proceedings are disposed of. We find that a bulk of the execution applications are dismissed by the court not on merit but for reasons of non-prosecution. We offer plausible explanations for such poor enforcement outcomes.

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1 Introduction

Delays and lack of predictability in India's legal system impede economic growth by undermining confidence in contract enforcement. Business activity depends on the assurance that bargains will be upheld and breach will attract swift, proportionate consequences. Jurisdictions that reliably enforce contracts gain a reputation for certainty, reduce avoidable disputes, and foster voluntary compliance, leading to healthier commercial markets.

Commonly used measures of court performance in India offer limited insight into the efficiency and effectiveness of the legal system. Stock indicators such as pendency figures or caseloads are relevant for resource allocation and caseflow management but do not meaningfully reflect system performance. Time to disposal, while a useful measure of efficiency, suffer from selection bias, because they rely only on disposed matters, typically representing 20-30% of the workload, and exclude ongoing cases that may be more complex or commercially significant. To address these measurement gaps, Manivannan et al. 2022 proposed a framework of five performance metrics for commercial courts. They argue that civil litigants evaluate courts on five parameters, namely, fairness, efficiency, predictability, effectiveness, and access. Among these, 'effectiveness' is a measure of a court's ability to enforce its orders. Many commercial disputes would have monetary pay-outs as a key relief. The 'effectiveness' of orders passed in such disputes can be calculated as the average ratio of the money recovered by judgment debtors to the total monetary compensation awarded by courts in favour of judgment debtors. Some commercial suits may involve specific performance by one or more of the parties. Here too, the effectiveness of the relief is the time within which the judgement debtor performs the specific action that is decreed for performance. In sum, the frictionless execution of court orders is a critical measure of judicial performance. For a litigant, therefore, the journey to relief does not end with the last order but with the enforcement of the relief contained in that order. In India, there is a separate process for obtaining such enforcement that begins after the trial is concluded and the judgement is pronounced. This paper focuses on this stage of the litigant's journey to obtaining relief. It asks the question: whether and how, court orders in civil litigation translate into actual compliance.

This broader lens is necessary because the life-cycle of a commercial dispute for recovery of money or damages for contract breach extends beyond disposal of the primary suit. The primary suit adjudicates and declares the rights and obligations of the parties to the suit. Effective relief depends on the subsequent execution phase, where decrees are converted into compliance and recovery. Little attention is paid to this "execution" or "enforcement" phase

of the case life-cycle. However, the challenges involved in securing compliance with court decrees has long existed. It is perplexing that this issue has never been systematically addressed.

A plethora of reports of the Law Commission of India, and statements by policy-makers that have repeatedly decried that the execution machinery is ridden with delays.¹²³⁴ Infact, the articulation of this challenge can be traced back to the 19th century where the Privy Council cautioned that the ultimate efficacy of justice lies not in the decree but in its execution.⁵ Post-Independence too, this concern has been echoed repeatedly by the Supreme Court of India, *ad nauseum*.⁶ The sentiment that “the real ordeal of a litigant begins after the decree” has appeared in numerous judicial pronouncements. The 27th *Report on the Code of Civil Procedure (1944)* noted the existence of execution proceedings as a significant bottleneck. It attributed delays to dilatory litigant tactics, procedural redundancy, and inadequate institutional capacity. Later, the 54th *Report (1973)* reiterated similar concerns. It highlighted how attachment procedures, and judicial discretion cause delays at execution.⁷

Globally, there is limited empirical literature that deals with the "enforcement" dimension of court performance. Most scholars use surveys to determine this metric. For instance, legal scholars have surveyed academics and practitioners from 17 countries to determine the court's ability to promote civil rights and human rights as a measure of its enforceability.⁸ The National Center for State Courts proposed a survey based measurement of the percentage of cases in which legal financial obligations are fully met, and, the practices used by the court to monitor and enforce compliance by defendants with legal financial obligations.⁹ The now discontinued Ease of Doing Business Report of the World Bank used a canonical problem to survey practitioners on time taken from judgment to enforcement of court decrees.¹⁰

¹General Manager of the Raj Durbhunga v. Coomar Ramaput Singh, (1871–72) 14 M.I.A. 605 (P.C.).

²Subh Karan Bubna v. Sita Saran Bubna, (2009) 9 S.C.C. 689 (India).

³*Judicial System Is Biggest Hurdle to Viksit Bharat: PM-EAC Member Sanjeev Sanyal, Bar & Bench* (Sept. 20, 2025), <https://www.barandbench.com/news/judicial-system-is-biggest-hurdle-to-viksit-bharat-pm-eac-member-sanjeev-sanyal>.

⁴Law Commission of India, 27th Report: The Code of Civil Procedure, 1908 (Dec. 1964).

⁵*General Manager of the Raj Durbhunga*, *supra* note 10.

⁶*Rahul S. Shah v. Jinendra Kumar Gandhi & Ors.*, (2021) 6 S.C.C. 416 (India).

⁷Law Commission of India, 54th Report on the Code of Civil Procedure, 1908, at 33 (1973).

⁸Staats, Joseph L., Scott Bowler & Jonathan T. Hiskey, *Measuring Judicial Performance in Latin America*, 47 *Latin Am. Pol. & Soc'y* 77 (2005).

⁹Nat'l Ctr. for State Courts, *CourTools* (2005).

¹⁰The World Bank solicits response for a "simple business case" put forward as a standardized survey from "9,000 local experts [globally], including lawyers, business consultants, accountants, freight forwarders, government officials, and other professionals".

When a litigant approaches a court, what she seeks is rarely a declaratory statement of rights alone. Rather, she seeks a tangible, enforceable outcome - the realisation of those rights spelled in the decree - *de facto* and not merely *de jure*. Without it, even a system that performs well on timeliness and accuracy risks producing outcomes that are illusory in practice. In sum, while laments have been written aplenty, measurements and deep dives into the real procedural mechanics of enforcement are absent.

This study therefore fills a crucial empirical void. Using publicly available data from the Bombay High Court, it measures how long execution applications take from filing to outcome and analyses how litigants are using this enforcement machinery of the State to enforce contracts. We find that execution applications take a median 650 days to attain completion, summing up with the median time to disposal of an average suit in the Bombay High Court to reconcile with the 1445 days to realisation of contractual rights as assessed by the erstwhile World Bank Report.¹¹¹² At the same time, finer analysis of the type of disposal and the case characteristics reveal a more complex picture ridden with measurement difficulties arising from poor court data and misaligned incentives between litigants, courts and the letter of the law.

Our approach is scalable across courts in India. The rest of the paper is organised as follows. Section 2 elaborates the legal and institutional architecture of execution applications in courts and more specifically in the Bombay High Court, Section 3 describes the dataset used for the analysis in the paper, our findings and discussions are in Sections 4, 5, and 6, and Section 7 concludes.

2 Unpacking the Execution Process

All commercial and contractual disputes are civil disputes. The lifecycle of a civil dispute proceeds through a sequence of defined procedural stages as laid out under the Code of Civil Procedure, 1908 (CPC). Broadly, it can be categorised into three: *pre-trial stage* that begins with the institution of a plaint, followed by processes such as the exchange of pleadings and documents, a *trial stage* that includes arguments and evidence, and finally this culminates into a *post-trial stage* where the judge delivers a judgment and decree.

¹¹World Bank, *Doing Business — India*, <https://archive.doingbusiness.org/en/data/exploreeconomies/india> (last visited Dec. 13, 2025).

¹²However, the survey focuses around the Bombay City Civil Court. Filing and service takes 45 days, judgement takes 1095 days and enforcement takes 305 days, as per their survey.

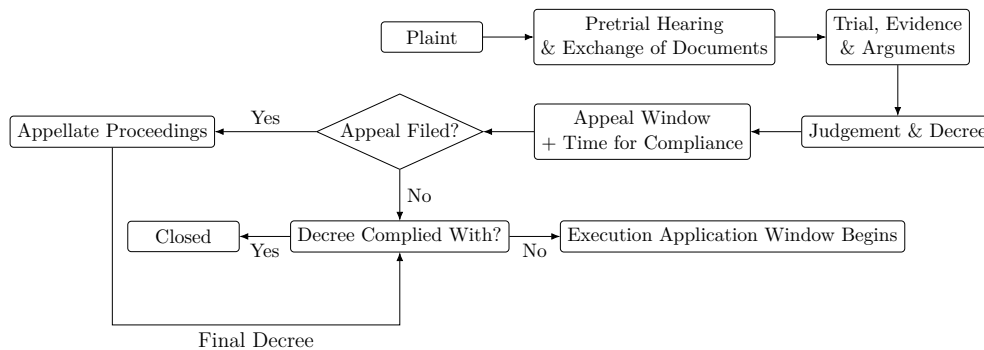


Figure 1: CPC lifecycle and the decision pathway to execution.

Decree is the operational part of the judgment. That is, it is the part of the judgment that declares the rights and obligations of the parties to the dispute. In the ordinary course of litigation, once a decree is pronounced in favour of one party (the *Decree Holder*), the losing party (the *Judgment Debtor*) is expected to comply, guided by both legal compulsion and commercial prudence. Alternatively, if the Judgment Debtor is dissatisfied by the decree of the court, she can challenge the decree in an appellate forum.

Thus, once a decree is issued by a court, the litigation enters its post-judgment phase, marked by two concurrent temporal windows: the appeal window and the compliance window. If the judgment-debtor neither files an appeal within the permissible timeframe nor complies with the decree during the corresponding compliance period, the winning party (decree-holder) can use the enforcement machinery available in the CPC that anticipates and provides for such situations. This is done through filing of an Execution Application (EA). The kinds of relief available to the winning party on filing an EA is detailed under the longest and most elaborate chapter of CPC - Order XXI.¹³ EAs serve as the procedural appendages wielded by a Decree Holder to invoke the coercive power of the State and compel compliance.¹⁴ The executing court so empowered, may attach property¹⁵, arrest and detain defaulters¹⁶, or issue other coercive orders¹⁷, ensuring that judicial decrees translate into tangible outcomes. In theory, this process should provide an efficient “safety catch” that swiftly restores the authority of the decree and preserves the credibility of adjudication.¹⁸

While the broad legal foundation for execution proceedings is housed within the CPC’s

¹³Code of Civil Procedure, 1908, Order XXI (India).

¹⁴Sir Dinshaw Fardunji Mulla, *The Code of Civil Procedure*, Vol. 2, at 2371–74 (18th ed. LexisNexis 2022).

¹⁵Code of Civil Procedure, 1908, §§ 60–64 & O. XXI, rr. 41–57 (India).

¹⁶Code of Civil Procedure, 1908, O. XXI, rr. 37–40 (India).

¹⁷Code of Civil Procedure, *supra* note 13.

¹⁸Robert D. Cooter & Michael D. Gilbert, *Theory of Enforcement*, in *Public Law and Economics* (Oxford Univ. Press 2022), <https://doi.org/10.1093/oso/9780197655870.003.0012> (last visited Oct. 6, 2025).

Order XXI, the specific institutional mechanism responsible for enforcing decrees in each court is distinct. Execution, by virtue of being an auxiliary appendage to the adjudication process, is operationally administered through a separate administrative wing of the judiciary.¹⁹ This functional bifurcation reflects the hybrid nature of enforcement - it straddles judicial direction and administrative execution.

At the Bombay High Court (Original Side), this function is institutionalized through a dedicated *Execution Department*. This department operates under the supervision of the *Prothonotary and Senior Master*, an office of the Court vested with quasi-judicial and administrative authority. The Execution Department’s mandate includes receiving and registering Execution Applications, issuing notices to judgment-debtors, supervising attachments or sales, and ensuring compliance with decrees under judicial orders.²⁰

3 Data

We collect the life-cycle data of 2,369,555 cases filed at the Original Side of the Court between the period January 2017 to December 2024 (Study Period). The Original Side is the court of first instance for civil suits arising within the territorial limits of Greater Bombay, making it a representative forum for high-value commercial and contractual disputes in metropolitan India. Its caseload is diverse, encompassing high-value civil suits, commercial disputes, intellectual property litigation, arbitration challenges and enforcements and company matters.²¹²² We source the information on the life-cycle of cases filed at the Court’s original jurisdiction from its website, and it is comprehensive to the extent the Court has made the data available.

Broadly classified into 17 case-types, the dataset includes all *Execution Applications* (EAs) filed within this temporal window.²³ These records were sourced through the Court’s publicly accessible website which lists all cases with unique CNR and Registration Numbers. These unique identifiers are used to connect main cases with interim/interlocutory applications.

¹⁹Bombay High Court (Original Side) Rules, 1980, ch. XXII, r. 315 (Bombay High Court).

²⁰Bombay High Court, *RTI Information*, <https://bombayhighcourt.nic.in/rtiinfo.php> (last visited Oct. 7, 2025).

²¹*The Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act*, No. XII of 1945, § 5 (India).

²²*Bombay High Court (Original Side) Rules*, 1980, pt. II, ch. I, r. 27 (Bombay High Court).

²³The classification includes the following 17 case types: Writs; Inheritance and Succession cases; Execution cases; Tax cases; Arbitration cases; Suits; Intellectual Property cases; Miscellaneous cases; Public Interest Litigations (PIL); Admiralty cases; Insolvency cases; Parsi cases; Election cases; Trusts; FEMA cases; Company cases; and Land Acquisition cases.

These horizontal linkages give access to all hearing documents of the family of cases in question.²⁴ Supplementary qualitative insights were gathered through interviews with practicing lawyers and through responses from RTI application.

At the outset, it is critical to clarify that the dataset captures only a subset of all decrees that fall within the Court's potential enforcement jurisdiction. The lack of vertical linkages of cases - namely: which decree led to which appeal, and, likewise, which decree led to which Execution Applications - cripples our ability to map the whole universe with accuracy. Given such data, one could have found the relative proportions of cases that see automatic compliance post decree, ones that go on appeal and the percentage that requires intervention of the court to find enforcement.

Likewise, the relationship between BHC's decrees and its own Execution Applications is not one-to-one. An Execution Application filed before the BHC (OS) may not necessarily arise from a decree originally issued by the same Court. Conversely, decrees issued by the BHC (OS) may find execution in other courts, depending on the location of assets, the residence of judgment-debtors, or other jurisdictional factors. Among the decrees that are legally enforceable within the territorial jurisdiction of the BHC (OS), many are complied with voluntarily - without requiring execution proceedings. The Arbitration and Conciliation Act, 1996 also makes awards of arbitral tribunals *executable as decrees* in ordinary civil courts. Hence these matters find their way to Executing courts as well. Finally, matters that ascend to an appellate forum quite often get remanded for enforcement.

Consequently, the dataset examined here represents only those cases where the winning party (the decree-holder) found it necessary to invoke the formal enforcement mechanism through the filing of an Execution Application.

²⁴See Beyond Pendency: Counting Cases Correctly, The Leap Blog (Oct. 2025), <https://blog.theleapjournal.org/2025/10/beyond-pendency-counting-cases-correctly.html>.

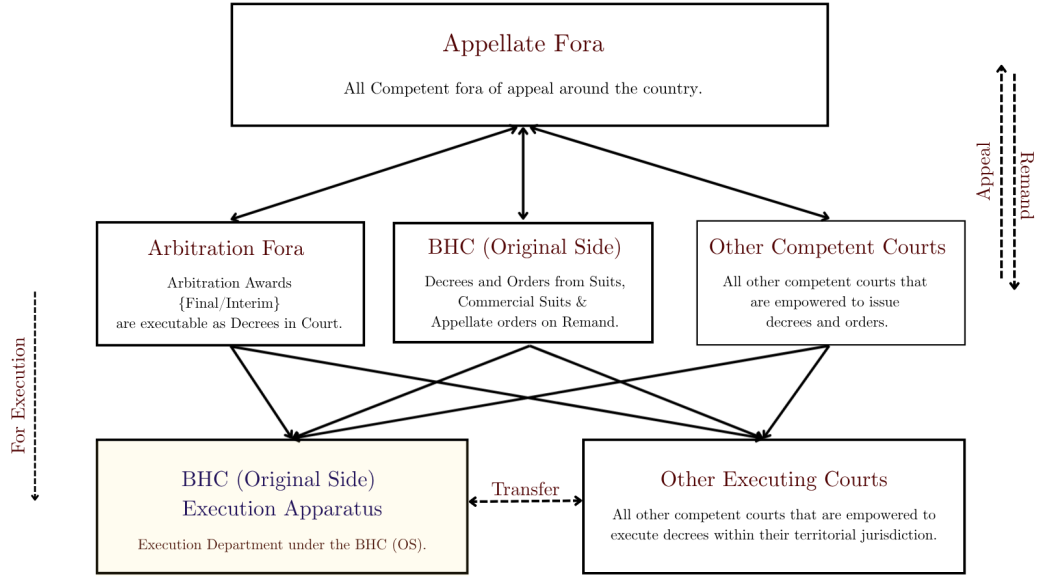
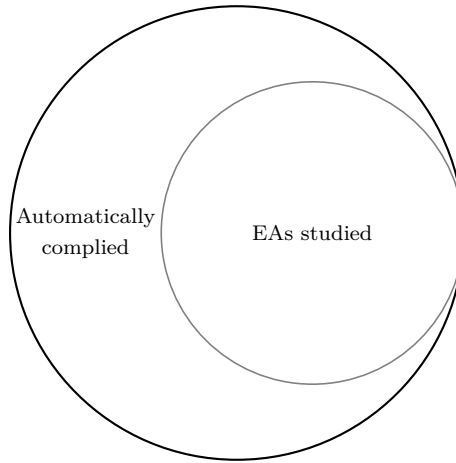


Figure 2: Diagrammatic Representation of all possible case flows between courts of first instance, appellate courts and executing courts. The highlighted box - BHC (OS) Execution Apparatus → is the forum of investigation in this study.



EAs enforceable within
BHC OS' jurisdiction.

Figure 3: EAs studied as a subset of EAs enforceable by the BHC's OS.

3.1 Methodology

The methodological approach adopted in this paper combines descriptive statistical analysis within the lifecycle of Execution Applications along with legal analysis of relevant case-law. The following features were extracted from the cases in the dataset: (i) date of filing, (ii) date of disposal (if any), (iii) status at last hearing, (iv) number of hearings, (v) dates of hearings, (vi) nature of hearings, (vii) classification of disposal type - Allowed, Dismissed, Partially Allowed, Settled, Withdrawn, Transferred, and, Remanded, and (viii) whether any sub-proceedings were initiated. All the features barring (vi) and (vii) are extractable from the BHC metadata - the remaining two had to be inferred from the orders passed by the court in the hearings conducted. We used the assistance of a Large Language Model [Google’s Gemini 2.5 Flash] for this classification.²⁵ We deploy a rule-based classification methodology designed to replicate the reasoning process that a lawyer would use when reporting the final status of a client’s case.

The paper relies on a few principal measurements:

1. *Time to Disposal*: the median number of days between filing and disposal of the EA, serving as a proxy for enforcement duration.
2. *Time to First Hearing and Time between Hearings*: the median interval between filing and the first judicial/ quasi-judicial event, reflecting the speed of initiation within the court process. And the median interval between successive hearings, indicating the frequency of judicial attention.
3. *Number of Hearings*: the median of the total count of hearings that have been observed for cases in the dataset.
4. *No of Interim Applications and Subcases*: the median number of interim applications and subcases associated with each case throughout its lifecycle.

We attempt to draw inferences on the lifecycle of Execution Applications by studying these parameters in isolation and in relation to one another.

Each case before the Bombay High Court, whether a main matter or one of its procedural offshoots, possesses a unique alphanumeric identifier assigned by the court. This identifier serves as the anchor for tracing the case’s procedural trajectory through a series of judicial orders. To determine how a case was ultimately disposed of, the system reads and analyses all orders passed in both the *main case* and any associated *sub-cases*, treating them as parts

²⁵We would have preferred relying directly on court data with sufficient manual checks for this classification as well. However, through an RTI application we found that the Bombay High Court did not maintain systematic disposal-type data.

of a continuous narrative that together reveal the case’s procedural evolution and terminal outcome.

The logic for classification proceeds in three sequential stages:

1. *Identification of the Disposing Order*: A case is considered “disposed” when judicial proceedings have reached their conclusion - either by decision, consent, or procedural closure. Importantly, the order that ends the main case may sometimes arise in a related sub-case, whose determination has the effect of disposing of the parent matter. Accordingly, the system cross-references the disposal date of the main case with all related orders to identify the proximate dispositive event.
2. *Mapping of Sub-Cases*: Sub-cases are discrete applications - such as *Notices of Motion*, *Chamber Summons*, or *Interim Applications* - that have been registered with their own case numbers by the court registry. These sub-cases often seek interim or ancillary relief, such as amendments, injunctions, or permission to take specific procedural steps. As with main cases, some sub-cases may themselves be disposed of through orders passed in the main matter. The mapping of sub-cases is also crucial in assessing the content and nature of these hearings.
3. *Categorization by Mode of Disposal*: Once the disposal orders are identified, each case - main or sub - is assigned a *disposal classification* based on the substance of the order. The following taxonomy is used:
 - *Allowed*: Relief sought by the applicant or plaintiff is granted in full or in substantial part.
 - *Dismissed*: Relief sought is denied by the court.
 - *Settled*: Proceedings end due to a negotiated settlement, often evidenced by recorded consent terms or by explicit mention of "settlement" or its synonyms in hearing orders.
 - *Withdrawn*: Applicant or plaintiff withdraws the matter voluntarily.
 - *Transferred*: Matter is moved to another forum or transferred to a different court/tribunal/forum.
 - *Remanded*: Case is sent back to a lower forum for reconsideration.
 - *Pending*: Sub-cases or matters that remain undisposed are reported with their current status as per court records.

For the purpose of our study, we used the classification of main cases and sub-cases as laid out in Manivannan et al, 2025²⁶. This gives us a total of 1,42,801 main cases. Within this overall caseload, *Execution Applications* (EAs) constituted a significant subset of 19,779 filings. Expressed as a proportion of total filings, this category represents **13.84%** of the Court’s workload during the eight-year period studied.²⁷²⁸ In other words, *one out of every seven* Original Side civil filings before the Bombay High Court concerns the enforcement of decrees. This case type is also the third highest in volume at the Bombay High Court - and has been consistently so for all 8 years of study.²⁹

Bombay High Court	No. of Cases
Total cases at the Original Side	142,801
Execution Applications	19,779
Percentage of EAs to Total Cases	13.84%

Table 1: Volume of execution applications

Within this set, about **43%** cases have been marked as Disposed, while **57%** remains Pending.

Case Status	Number of Cases
Pending	11,319
Disposed	8,460

Table 2: Status of execution applications

²⁶Beyond Pendency: Counting Cases Correctly, The Leap Blog (Oct. 2025), <https://blog.theleapjournal.org/2025/10/beyond-pendency-counting-cases-correctly.html>.

²⁷Comparable estimates are reflected in the National Judicial Data Grid (NJDG). According to NJDG data, out of 1,21,380 cases on the BHC’s Original Side, 14,780 were execution matters - yielding a similar ratio of roughly 12.2%.

²⁸The Bombay High Court’s own Case Information System (CIS) data, acquired through an RTI, has recorded 21,439 filings and 10,364 disposals within the temporal window of this study. These figures differ from those in our dataset by 1,660 filings and 1,905 disposals. If the CIS numbers are accurate, our dataset captures approximately 92.26% of all filings and 81.62% of all disposals during the relevant period. However, given our prior work documenting inconsistencies and overcounting of up to 66% in certain BHC datasets. [See:]*Beyond Pendency: Counting Cases Correctly*, The Leap Blog (Oct. 2025), <https://blog.theleapjournal.org/2025/10/beyond-pendency-counting-cases-correctly.html>. We are inclined to treat the omissions, if any, as marginal and the dataset as sufficiently exhaustive.

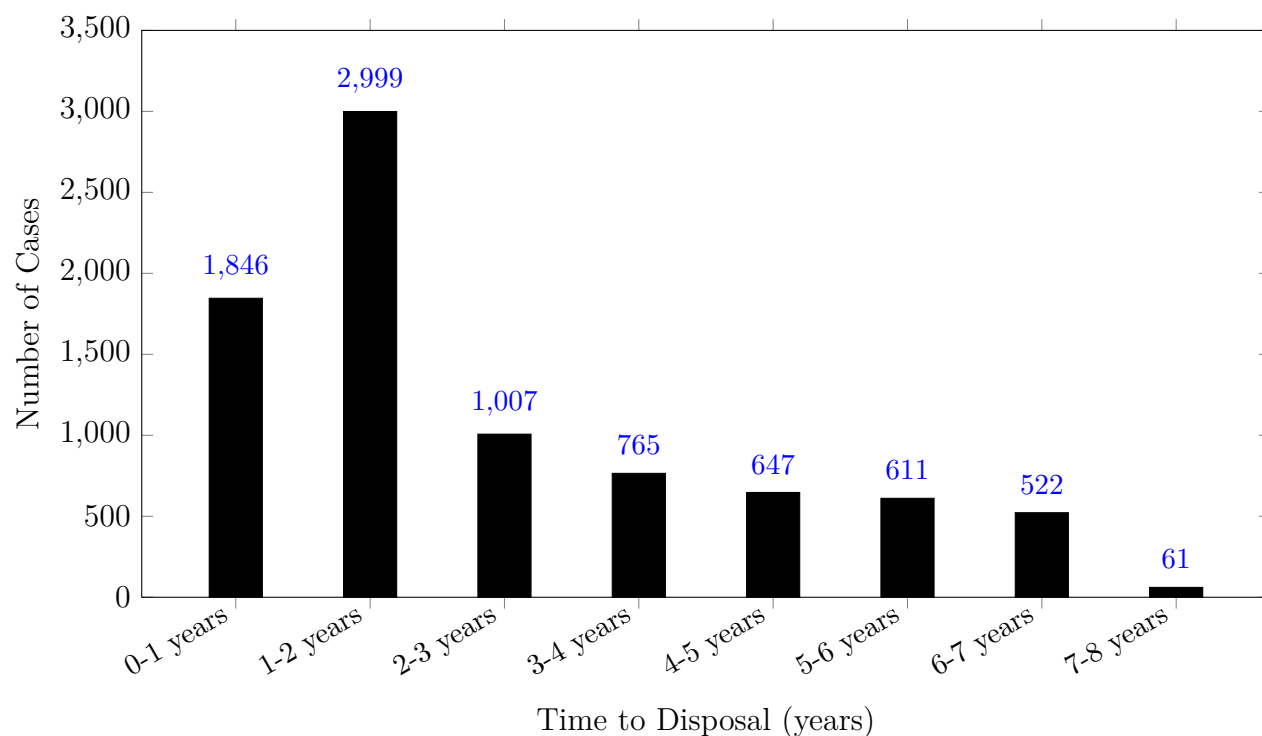
²⁹Pavithra Manivannan, Siddarth Raman, Susan Thomas & Bhargavi Zaveri-Shah, *An Approach to Caseload Estimation: Insights from the Bombay High Court* 12 (unpublished manuscript, forthcoming 2025) (on file with author).

4 The Paradox of Execution Delays

First, we determine the time that execution applications take to get disposed of by the Court. Figure 4 below shows that, there is wide heterogeneity in enforcement durations at the Court. The median time for disposal is about two years. The average, however, is notably higher at 914 days, reflecting the presence of a tail of outlier cases that remain under process for prolonged durations. The fastest disposal recorded in the dataset is only 5 days, whereas the longest case stretched to 2,857 days, i.e. nearly eight years.

It must also be mentioned that when summed up with the median time to disposal of an regular Suit in the Bombay High Court (Original Side) - the total time to disposal (suit and execution) comes to a rough 1440 days. While it seems to superficially reconcile with the World Bank's estimates - on deeper analysis pursued in the discussion below, this figure rings hollow.

Figure 4: Disposal duration of Execution Applications



Time to disposal does not necessarily reflect the time courts spend hearing a matter. Listings may be spaced weeks or months apart, depending on the parties' pursuit of the case and the court's docket. A better indicator of the actual time required for adjudication is

the number of hearings. Table 3 below shows the number of hearings such execution cases take to get disposed of. We find that, on average the court spends about 1 to 2 hearings to dispose of execution cases.

Min	Max	Median	Average
0	67	1	1.6

Table 3: No. of hearings for disposal

The generalised assumption based on legal theory would be that as execution applications are filed post a conclusive decree by the Court, and because the executing court’s task is limited to ensuring compliance and not re-adjudication³⁰, the low number of hearings for such cases aligns with prior intuition.

From the above two findings, we notice that there is a disproportionate relationship between long case durations and a small number of hearings. This is examined further in the next section.

5 The Enforcement Lag

Given the disconnect between calendar time to disposal and time spent by court in hearing these cases, we examine how these execution cases end. Disposal patterns help clarify procedural and behavioural dynamics that drive outcomes in enforcement proceedings. For this, we categorise the cases based on their outcomes³¹:

1. Allowed: To denote cases that went through the full life-cycle of a trial and was declared in favour of the decree holder.
2. Dismissed: These include cases that were declared in favour of the judgment debtor, or dismissed for procedural lapses, such as non-rectification of defects under Original Side Rule 986 or non-prosecution under Original Side Rule 329.³²

³⁰*Periyammal (Dead) Through LRs v. Rajamani*, Civil Appeal Nos. 3640–3642 of 2025 (Arising out of SLP (C) Nos. 8490–8492 of 2020) (India).

³¹This classification was manually done for 100 cases and scaled to the full dataset using the assistance of an LLM that understands these disposal categories and classifies the cases accordingly. The final result was manually tested for accuracy.

³²*Bombay High Court (Original Side) Rules*, 1980, rr. 329, 986 (Bombay High Court).

3. Settled: Where parties have settled or paid-up outside the Court and reported as such to the Court.
4. Withdrawn: Where parties choose to not pursue the case in Court. It may or may not indicate payment from judgement debtor to decree holder.
5. Transferred: Where the case was transferred to a court in a different State or a lower court.
6. Partly-allowed: Where the Court partially declared the case in favour of the decree holder. This may involve cases of part-payment.

Classifying cases into these categories help us understand, whether parties use enforcement mechanisms strategically, comply voluntarily once such cases are filed, or disengage from the system due to long delays. Table 4 below shows this categorisation and the respective time taken.

Disposal Type	No. of cases	Time (days)		
		Min	Median	Max
Allowed	43	51	381	1704
Partially Allowed	3	915	1433	2301
Dismissed	5426	32	647	2817
Settled	207	5	550	2812
Withdrawn	2646	6	682	2857
Transferred	4	31	44.5	290

Table 4: Time to disposal (days) by disposal type

Of the 8,329 disposed execution applications analysed, only 0.51% of Execution Applications were Allowed by the Court. In stark contrast, a dominant 65.14% of cases were Dismissed, followed by 31.76% that were Withdrawn by the parties. A small proportion - 2.48% - were Settled through consent or compromise. The residual categories - *Partially Allowed* and *Transferred* - together make up less than 0.08% of the total and are statistically negligible for analytical purposes.³³

What disposal types reveal

³³The “Partially Allowed” cases are ones where substantial interim reliefs are granted but finally were dismissed. An example is the case of *Axis Bank v. Ganesh Prakash Gagtap*. An interim relief was granted in this Execution Application under Order 21, Rule 41 of the Code of Civil Procedure, 1908, at an earlier stage. The LLM has, therefore, classified this anomalous instance - where substantial relief was granted to the petitioner but the matter was later dismissed - as a “Partially Allowed” case type. For all practical purposes, however, these functions as a dismissed cases.

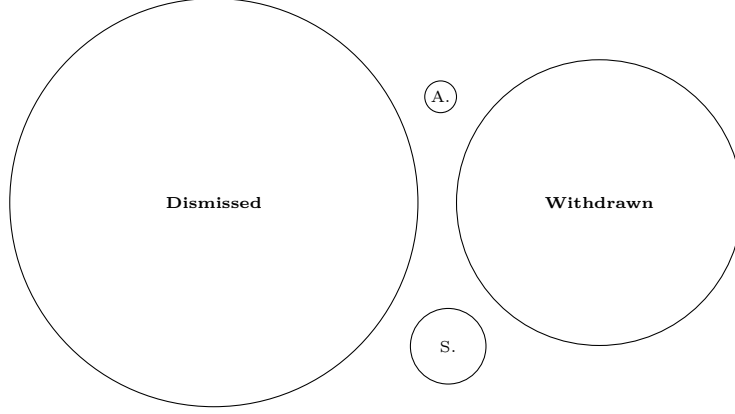
The general intuition in legal theory, as was expressed before, can be best illustrated in the Venn Diagram that follows. Though not to scale, the Universe of Decrees may be split up as it demonstrates.

The subsets that are appealed and complied with cannot be estimated, as explained. Of the superset that remains - of all enforceable EAs that are Not Appealed & Not complied - a sub-set of decrees are taken to court by Decree Holders for execution.

Within this sub-set there are 4 major possibilities of disposal types. In most cases - the presumption is that since these Decrees have reached legal finality, the enforcing court "Allows" enforcement. In those cases where after a filing of EAs compliance is seen - Withdrawal or Settlement happens. Very few cases that have filing errors or non-prosecution face dismissal. Though not to-scale, this Diagram makes an approximation of these priors.



The observed reality is of disposal types is different. In fact, their relative shares, expressed in terms of area is better represented by the Venn Diagram. A plunge into a few of these cases gives a better picture of the stark variations within each disposal type and the unreliability of execution application hearings and orders to ascertain true time to enforcement.



5.1 Allowed Petitions

The median time to disposal, within Allowed petitions, was 381 days. This suggests that for those rare cases where the decree-holder successfully realized relief through the court's coercive machinery, the typical duration for enforcement was around twelve months. The unexpectedly minimal fraction of Allowed petitions was worrisome. Our RTI attempt to triangulate this information through the poundage figures from the Office of the Sheriff of Bombay yielded no concrete result either - leaving our classification as the closest approximation of reality.³⁴

The extremities in this subset are instructive: the shortest case (51 days) and the longest (1704 days) reflect contrasting and inconsistent realities. The case titled *L&T Finance v. Abhilash K. L. & Anr.*³⁵ - was filed on 16 July 2018 and disposed on 5 September 2018, barely 51 days later and is the shortest in the window of time studied. Though the detailed case facts are not discernible from the single hearing order available, the order records that the decretal amount had been paid out of court. Accordingly, the case was closed with the decree fully satisfied. The brevity of this proceeding shows an ideal case of compliance post-filing through the formal execution process. This is the ideal that the CPC envisages.

The case at the opposite end of the spectrum, with a time to disposal of approximately

³⁴The cumulative poundage collected by the Sheriff's office over 8 years from 2017 to 2024 was Rs. 9.74 crores. The Office did not keep separate accounts of poundage collected on EAs as opposed to poundage collected on Admiralty matters. Likewise, they did not maintain consolidated data on how many Execution Applications were seen through till completion across these years. They confirmed, verbally that a majority of the poundage is from admiralty matters. A back-of-the-envelope calculation minimising the suit amounts to the lowest claim at the BHCs OS and maximising the number of suits possible for a claim of 974 crores (100% corresponding to the 1% poundage of 9.74 crores) would itself reveal that less than 100 cases have undergone "attachment" for execution by the Sheriff's Office. As stated before - if a majority of these are Admiralty matters, Allowed EAs should, in our considered opinion, hover at a figure <48 cases from 2017-2024.

³⁵*L&T Finance v. Abhilash K. L. & Anr.*, Execution Application No. 1772 of 2018 (Bombay High Court, Original Side).

1704 days, followed a markedly different trajectory. Filed on 20 January 2020, its first hearing took place nearly a year later on 4 January 2021. Over the course of 42 hearings, the matter traversed multiple procedural layers, including a Special Leave Petition before the Supreme Court and a subsequent Review Petition.³⁶ An amendment application was later moved in the Execution Application to incorporate the Supreme Court's findings, and the case was reverted to the Bombay High Court for final enforcement in 2023. Between March and December 2023, hearings were repeatedly adjourned due to time constraints. Arguments finally commenced on 13 December 2023 and concluded on 19 September 2024, when the judgment was reportedly pronounced. The last recorded hearing, dated 28 March 2025, indicates that the matter was stood over once again for directions. If one were to assume that the BHC was accurate in its marking the matter "Disposed" - we have a resultant timeline that places the effective disposal between 1704 and 1744 days. This case illustrates how appellate interventions and adjournments can adversely affect the time to disposal of an EA and transform it into a protracted multi-year process.

5.2 Dismissed, Withdrawn and Settled Petitions

The greatest conflict the results of this study poses to legal theory is: Why are a majority of Execution Applications ultimately dismissed? In quick succession, also follows: Why do such a large number of cases end in either withdrawal or settlement?

As a logical corollary, there is also confusion as to why these settlements not have been achieved sooner - perhaps before the filing of the Execution Application itself? And, most significantly, what explains the median duration of approximately 650 days before dismissal? If the predominant reasons for dismissal lie in procedural lapses - such as non-rectification of defects under *Original Side Rule 986* or non-prosecution under *Original Side Rule 329* - why does it take the Execution Department nearly two years to take action on such procedural defaults?

For cases classified as Dismissed, Withdrawn, or Settled, the median time to disposal converges around 650 days - roughly similar to the overall median observed for all disposed Execution Applications. While this is obvious as more than 99% of EAs fall within these types, it is also interesting to study why Withdrawn and Settled cases, taken together as a class - converges to the same horizon of 650 days as Dismissed cases. Is this convergence a

³⁶*Sanwarlal Agarwal & Ors. v. Ashok Kumar Kothari & Ors.*, (2023) 7 S.C.C. 307 (India).

mere coincidence, or does it reflect a deeper systemic behaviour within the functioning of the Bombay High Court's Original Side? Does it perhaps indicate a patterned administrative rhythm - a time-bound internal review cycle or docket-clearing mechanism?

To address these questions and uncover the underlying narratives behind the quantitative data, we conducted a qualitative enquiry. This involved extensive conversations with practitioners actively engaged in Execution matters at the Bombay High Court. As stated before, the Bombay High Court's publicly available data does not link Execution Applications to their originating suits or decrees, and hence we could not trace most cases to their source proceedings. To bridge this informational gap, as well as to validate several observations made hereinabove, we also filed an application under *Section 6(1) of the Right to Information Act, 2005* with the High Court of Bombay.

In the *Dismissed* category, a closer examination of representative cases reveals that most dismissals occurred under *Original Side Rule 329* or *Original Side Rule 986*.³⁷ These provisions correspond to dismissal for *non-prosecution*³⁸ and rejection for *non-removal of office objections*³⁹, respectively.

The shortest dismissed case - *Prakash Ganpat Sawant v. Ravindra Babaji Satam & Ors.*⁴⁰ - was filed on 2 February 2019 and disposed barely a month later, on 6 March 2019. After six hearings, the order suggests likelihood of dismissal on the ground that no executable decree existed. In contrast, the outlier on the opposite end - *Hinduja Leyland Finance Ltd. v. & Ors.*⁴¹ - was filed on 23 January 2017 and disposed only on 24 October 2024, after 7.7 years. The case had only one hearing, on the date of disposal, where the Court invoked Rule 329 to dismiss the matter for want of prosecution. The inexplicable gap between the 12-month statutory limit for invoking OS Rule 329 and the actual 7.7 - year duration underscores a

³⁷*Bombay High Court (Original Side) Rules*, 1980, rr. 329, 986 (Bombay High Court).

³⁸Non-prosecution of application for execution: When a party does not proceed with the application for execution for a period of twelve months from the date of filing, the Prothonotary and Senior Master shall place the application before the Judge in Chambers for dismissal for want of prosecution. The Judge may pass such orders thereon as he may think fit.

³⁹Rejection of plaint, memo of appeal, execution application and applications and petition of original nature for non-removal of office objections. Every plaint, memo of appeal, or application for execution in which objections are not removed within 30 days from the date of lodging shall be placed before the Prothonotary and Senior Master for directions, who may reject such documents. Rule 133 of these rules applies to such rejection.

⁴⁰*Prakash Ganpat Sawant v. Ravindra Babaji Satam & Ors.*, Commercial Execution Application No. 297 of 2019 (Bombay High Court, Original Side).

⁴¹*Hinduja Leyland Finance Ltd. v. & Ors.*, Execution Application No. 237 of 2017 (Bombay High Court, Original Side).

systemic fault, more likely linked to registry backlog or administrative oversight of the court, rather than litigant behaviour.

The categories of Withdrawn and Settled cases are practically similar. The LLM distinguishes “Settled” cases by the appearance of settlement-oriented language in the order text - phrases such as “consent terms filed” or “matter settled out of court.” “Withdrawn” cases, by contrast, involve explicit withdrawal requests from counsel, often citing “satisfaction of relief” or “instructions from client.” Substantively, however, both categories represent situations where the decree-holder no longer requires the court’s intervention - whether due to private settlement, payment, or enforcement satisfaction. From a practical standpoint, these may be treated as near-identical procedural outcomes distinguished only by linguistic expression in judicial orders.

The fastest-settled case - *VVF (India) Ltd. v. Jyothy Laboratories Limited*⁴² - was filed on 13 September 2017 and disposed five days later, on 18 September 2017. Here, the judgment debtor deposited the decretal sum of Rs. 10 crore, with interest, in the court registry, and the decree-holder withdrew it pursuant to consent terms. Similarly, the quickest withdrawal - *Athum Investment and Infrastructure Ltd. v. Shailesh Dilipbhai Shah*⁴³ - was filed on 21st of November, 2024 and closed on 27 November 2024. The single hearing order records counsel’s request to withdraw the matter, following which the Court directed removal of the case as disposed. Like the *L&T Finance* case from the Allowed category - these cases reflect an ideal - wherein the Judgement Debtor swings into action as soon as the EA is triggered and complies under the deterrent shadow of the execution machinery.

On the other hand, the longest-settled case - *M/s. Churchgate Investment & Training Co. Pvt. Ltd. v. Kishore Krishna Patki & Meena Kishore Patki*⁴⁴ - was filed on 24 March 2017 and disposed on 4 December 2024, taking 2812 days (approximately 7.7 years). Though consent terms were filed on 14 August 2017 and compliance occurred soon thereafter, formal disposal was recorded only years later, showing, once again, delays in administrative closure despite substantive settlement. This points more towards an absurd unreliability of Court data and court data than the actual time to enforcement. The longest-withdrawn case followed

⁴²*VVF (India) Ltd. v. Jyothy Laboratories Ltd.*, Commercial Execution Application No. 94 of 2017 (Bombay High Court, Original Side).

⁴³*Athum Investment and Infrastructure Ltd. v. Shailesh Dilipbhai Shah*, Execution Application No. 35029 of 2024 (Bombay High Court, Original Side).

⁴⁴*Churchgate Investment & Trading Co. Pvt. Ltd. v. Kishore Krishna Patki & Meena Kishore Patki*, Execution Application No. 567 of 2017 (Bombay High Court, Original Side).

a comparable pattern, once again.⁴⁵ The case was filed on 3 February 2017 and closed on 30 November 2024, after 7.8 years. The solitary order merely records the applicant’s wish to withdraw, without explaining the delay. These are not very different from the *Hinduja Leyland Finance Ltd.* case we discussed in the Dismissed category.

All these instances of absurdly delayed withdrawal/ settlement or even dismissal are outliers to the general trend of disposals under these categories close to 650 days. But if all these cases merited was a procedural act of marking the matter “disposed” after one year or so, why did it take longer? We find cases such as *Prakash Ganpat Sawant* and *M/s. Churchgate* indicative of sheer administrative oversight and strong evidence of institutional incompetence or latency. Seeing a general trend of 650+ days for even dismissals that are to happen in one year, we argue that Judgement Debtors capitalise on the incompetence and delay compliance until a suitable time when they expect the enforcement machinery to finally ignite action. Cases such as *Sanwarlal* and several others are evidence of such perverse litigant behaviour. Execution proceedings, though designed to be the most procedural and least contentious stage of civil litigation, remain highly susceptible to friction. This friction may either be systemic inertia or, as several cases have noted in the past, owing to intentional *dilatory tactics* of Judgement Debtors by excessive IAs and appeals.

Our conversations with practitioners yielded the same result. While they weren’t able to give hard metrics on disposal types of cases they have dealt with, they confirmed that (a) Decrees rarely, if not never, see automatic compliance, (b) They inadvertently file EAs as soon as appeal and compliance window is over owing to such non-performance, (c) That the 650 day dismissal time is indicative of the ED’s internal clean-up window, and (d) That losing litigants drag their feet until they are faced with a notice of the court for hearing around this time and quickly hasten compliance - reflecting in case drop-offs in the form of withdrawals and settlements around the same time horizon.

A statute and literature review of sections, rules or internal guidelines/ manuals that mention a 650 day clearance window was conducted. We were unable to find any such codified provision or directive. Lawyers consulted were not aware of such documents either. We sought such manuals, if any, specifically through an RTI. The reply redirected us to the CPC. Thus, we conclude that such a written instruction is unlikely and this reflects an institutional practice that lags well behind the ideal timeline for execution.

⁴⁵*Shriram Transport Finance Co. Ltd. v. Rajendra N. Lokhande & Ors.*, Execution Application No. 341 of 2017 (Bombay High Court, Original Side).

5.3 Interim Applications

As was revealed by the results above, interim applications and hearings have minimal, if not no effect on the time to disposal. The *Sanwarlal*⁴⁶ case was one instance that ignited suspicion that the presence of Interim Applications (IAs) and appeals may adversely affect disposals. However, this seems to be an outlier. The 98.7% cases that have had just 0 or 1 subcases display a range of time to disposals from <100 days to up to >2500 days. There is no discernable effect of serial IAs on time to disposal.

Likewise with hearings - while extreme outliers seem to push the time to disposal long enough, a majority of cases have a single hearing - mostly non-substantive. An astonishing fraction of cases wait for over two years just to have a singular, procedural, dismissal order. As was noted before, the variation in time to disposal within cases with just 1-5 hearings is significant. A minor fraction has >10 hearings and the presence of hearings, by themselves, don't seem to indicate protracted time to disposal.

In summary, irrespective of the number of sub-hearings, cases on average take around two years to be marked as disposed. The presence of IAs, therefore, don't seem to have much explanatory power for delays.

The data on who hears the EAs described in the results above, read with the rules that split disposal functions between Judges and the Prothonotary shows that the current legal framework, *de jure* allows for parts of EAs to be elevated into judicial proceedings that require application of judicial mind from mere administrative executions by the Prothonotary. This has major implications in terms of the court time it consumes and resultant delays. However a critique of this legal policy choice is beyond the scope of this paper. One must also consider this factoid in light of the low percentage of substantive hearings in EAs. While *prima facie* this should be desirable - given the non-contested and non-adjudicational nature of EAs; that around 81% of hearings happen in front of Judges and yet more than 54% of them were non-substantive is a strong case demonstrating misutilised judicial time and resources.

⁴⁶*Sanwarlal Agarwal*, (2023) 7 S.C.C. 307.

6 Game of Interests and Incentives

These observed outcomes, where barely 0.51% of applications result in enforcement and the vast majority languish for two years before administrative dismissal or withdrawal, point to a deeper structural malaise. We argue institutional failures, operating in concert, explain why enforcement is so systematically ineffective.

First, is the perverse incentive the system grants judgement debtors. Delays in adjudication - whether during the pendency of a trial or at the stage of execution - carry an inherent economic cost. As there is economic cost on the Decree Holder when relief is delayed, so is there an economic gain made by the Judgement Debtor, through the very same machinery. This serves as the JD's incentive to falter on compliance till and EA is filed - and beyond - until they perceive an actual threat of coercive action.

Consider, for instance, a simple money suit for recovery of debt. The longer the proceeding drags on, the greater the opportunity cost borne by the rightful creditor, who is deprived of the ability to deploy the disputed funds in productive ventures. Every day of judicial delay thus represents a loss of potential economic value. In theory, this loss is compensated by the award of interest, which accrues on the principal sum from the date of default until realization.⁴⁷

Recent scholarship has formalised this economic logic in the context of civil litigation in India.⁴⁸ Dr. Roy demonstrates that statutory interest rates prescribed under Section 34 of the Code of Civil Procedure are substantially below prevailing market rates, and that courts frequently award even lower rates in practice. The consequence is a systematic distortion of incentives. The losing party - the debtor - has a financial motive to delay proceedings. The longer the litigation lasts, the greater the effective return to the judgment debtor, who continues to enjoy the use of the disputed money while paying little or no compensatory cost for the delay.

As Dr. Roy's model illustrates, this incentive misalignment transforms delay from a procedural by-product into a rational economic strategy. The difference between the market rate of return on capital and the judicially awarded rate of interest represents the defendant's

⁴⁷Code of Civil Procedure, 1908, § 34 (India); see also *Cent. Bank of India v. Ravindra*, (2002) 1 S.C.C. 367 (India).

⁴⁸Shubho Roy, *Unexpected Consequences: Three Papers on How Law Can Shape Behaviour* (Univ. of Chi. 2024), <https://doi.org/10.6082/UCHICAGO.12422>.

profit from delay. In the theoretical limit, if litigation is prolonged sufficiently, this profit can even offset the entire principal owed to the creditor. The Indian legal and judicial design on interest rates in civil litigation, therefore, inadvertently rewards non-compliance and dilatory conduct and produces inadvertent perverse incentives.

In the context of execution proceedings, this logic is even more pronounced. The judgment debtor, having already lost on merits and exhausted the appellate window, enters the enforcement stage with full knowledge of liability. Yet, the structure of post-decree procedure provides ample room for tactical delay. Each adjournment, procedural objection, or interim application buys additional time during which the debtor retains both the principal and its potential yield. By contrast, the decree-holder bears the burden of illiquidity - an inversion of the intended deterrent function of law.

To illustrate, consider a decree for recovery of Rs.10 crore - the minimum threshold amount for a simple money suit within the Bombay High Court's pecuniary jurisdiction. Under Section 34 of the CPC, the default post-decretal interest rate for non-commercial civil suits is capped at 6% per annum. The court retains further discretion not only to reduce this rate but even to deny interest altogether. In practice, courts often exhibit significant inconsistency in applying this provision, frequently deeming transactions "non-commercial," disregarding pre-agreed contractual interest, or unilaterally reducing interest awarded by arbitral tribunals.⁴⁹ The result is an institutional bias towards low or unpredictable returns for the successful litigant, and a corresponding incentive for the losing party to delay payment.

Assuming, for simplicity, that no interest accrued prior to the decree stage, and applying the median post-decree duration observed in this study - 650 days - the amount payable by the judgment debtor at the CPC rate of 6% would approximately be Rs.1.09 crore. In contrast, had the decree-holder been able to invest the same Rs.10 crore at the average market rate of return, say, the NIFTY 50's 13% annualised yield⁵⁰ - the gains - the true amount foregone over the same period would amount to roughly Rs.2.43 crore. The net differential of Rs.1.34 crore thus represents the *economic rent* captured by the judgment debtor purely by virtue of systemic delay.

Put differently, this systemic delay functions as an implicit incentive to non-compliance. Every day that enforcement is postponed transfers a quantifiable economic benefit from the

⁴⁹*Id.* at 21.

⁵⁰*Id.* at 8.

decree-holder to the judgment debtor. If the hypothesis developed earlier - of a roughly 650-day administrative disposal cycle - is accurate, it effectively defines a *strategic horizon* that rational debtors can exploit, almost like clockwork. Beyond this, additional procedural tactics such as filing frivolous interim applications, appeals against interlocutory orders, or review petitions - as exemplified in the *Sanwarlal Agarwal* case, can further extend this horizon. Each extension compounds the perverse incentive, turning the machinery of enforcement into a mechanism for rewarding delay.

Second, courts and judges have no meaningful stake in ensuring their decrees are honoured. This is Goodhart's Law in action. When a measure becomes a target, it ceases to be a good measure. Judicial performance in India is evaluated almost exclusively on disposal rates. By maintaining civil suits and execution applications on separate case files, the system artificially inflates disposal statistics. Each suit disposed and each execution application closed counts as a distinct "disposal," even when the latter represents a failure to enforce the former. Judges are thus incentivised to move cases off their dockets, not to see them through to actual relief. This structural bifurcation is compounded by an institutional culture that treats adjudication as "judicial work" and execution as merely "administrative work." The Execution Department discussed earlier at the Bombay High Court exemplifies this relegation. Our RTI enquiry revealed an opaque unit with ad-hoc staffing, no systematic record-keeping of enforcement outcomes, and no consolidated data on cases seen through to completion. When enforcement is treated as a nondescript afterthought rather than the culmination of the judicial function, institutional neglect becomes inevitable.

Third, it is plausible that decree-holders are abandoning the formal execution process in favour of private settlements, often accepting significant haircuts on decreed amounts. This is the most plausible explanation for the extraordinary rate of non-prosecution dismissals. Faced with a system that is burdensome, unpredictable, and prone to endless re-litigation even at the execution stage, creditors use the symbolic filing of an Execution Application as a negotiating lever, however shallow that threat may be, and then settle privately for whatever recovery they can secure. Though unrelated, this dynamic also mirrors a principle well-established in penology - certainty of punishment deters more effectively than severity of punishment. Applied to civil enforcement, certainty of relief through judicial machinery would strengthen the creditor's hand even in private negotiations. Parties would bargain, in that ideal, within the "shadow of the law." But when the law itself is porous, dilatory, and unreliable, that shadow dissipates. Rational creditors cut their losses and exit the system, preferring a discounted settlement today over an uncertain decree tomorrow. The institutional

consequence is that the formal execution apparatus becomes vestigial.

Fourth, even the lawyers representing decree-holders lack meaningful incentive to pursue enforcement to completion. Indian law prohibits success fees and contingency arrangements⁵¹. Rooted in an archaic notion that such fees are ignoble and dishonourable to the profession⁵², this prohibition strips counsel of any financial stake in converting their clients' legal victories into actual recovery. A lawyer is paid the same whether the decree is enforced or abandoned. Once the primary suit is disposed and the fee earned, there is little motivation to shepherd the matter through the grinding procedural machinery of execution. The lawyer's disinterest compounds the creditor's disillusionment and the court's indifference.

Together, these misaligned incentives create a system in which every actor except the judgment debtor is demotivated and disincentivised.

7 Conclusion

The effectiveness of a legal system cannot be assessed at the point of judgment alone. For an economy aspiring to scale, attract investment, and sustain complex commercial relationships, the credibility of courts depends fundamentally on whether judicial declarations translate into real-world compliance. This paper situates decree enforcement as the true terminus of the civil justice process.

The empirical findings of this study paint a stark picture. While aggregate numbers show that execution applications before the Bombay High Court (Original Side) take a median of roughly two years to reach disposal, this headline figure obscures a deeper dysfunction. Fewer than one percent of execution applications result in court-driven enforcement on merits. Instead, the overwhelming majority are dismissed for non-prosecution, withdrawn, or marked as settled—often after prolonged periods of inactivity. Aggregate reconciliations with external benchmarks, such as the World Bank's erstwhile estimates, therefore risk being deeply misleading.

Taken together, these findings suggest that the execution apparatus, at least within the

⁵¹Bar Council of India Rules, pt. VI, ch. II, § II, r. 20 (1975), framed under the *Advocates Act, 1961*.

⁵²*B. Sunitha v. State of Telangana*, (2018) 1 S.C.C. 638 (India); *V. C. Rangadurai v. D. Gopalan*, A.I.R. 1979 S.C. 281.

Bombay High Court's jurisdiction, has been hollowed out into a largely symbolic mechanism. It neither compels timely compliance nor provides credible deterrence against post-decree delay. Instead, it appears to operate as a weak bargaining backdrop against which private settlements are negotiated, often at significant discounts to decreed entitlements. Deeper analysis remains to be done on the legislative, policy and incentive realignments necessary to reduce the time to enforcement. The same will be pursued in a follow-up to this study by the authors.

While this paper is limited in scope to one court, its methodology is scalable. The same approach can be applied to other High Courts and executing fora to assess whether these patterns are systemic. In India's civil justice system, the trial still continues beyond the judgment day.