

(2002) 10 SC CK 0069

In the Supreme Court Of India

Case No : W.P.(C) No.-000496-000496 / 2002

Salem Advocate Bar Association

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 25-10-2002

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 1

Citation : AIR 2003 SC 189 : (2003) 1 ALLMR 391 : (2002) 6 ALT 1 : (2003) 3 AWC 2238 Supp : (2002) 100 DLT 691 : (2003) 1 DMC 73 : (2002) 22 GLH 665 : (2003) 1 GLR 148 : (2003) 1 JLJ 171 : (2002) 9 JT 175 : (2002) 4 LW 512 : (2003) 1 OLR 650 : (2007) 3 RLW 2531 : (2

Hon'ble Judges : B. N. Kirpal, C.J.;Y. K. Sabharwal, J;Arijit Pasayat, J

Bench : Full Bench

Final Decision : Dismissed

AI Structured Summary

AI-generated summary — verify against the full judgment text before relying on it in practice.

FACTS

The writ petitions were filed challenging amendments to the Civil Procedure Code (CPC) by Amendment Act 46 of 1999 and Act 22 of 2002. The Salem Advocate Bar Association initially sought to withdraw the writ but was denied since it was filed in public interest. The court appointed amicus curiae to assist in evaluating the amendments, confirming that no part of these amendments was unconstitutional.

LAW POINTS

['Validity of the amendments to the CPC', 'Interpretation of the amendments regarding summons issuance timelines', 'Implementation and clarification of Alternate Dispute Resolution mechanisms under Section 89', 'Eligibility for intra-court appeals as per Section 100A', 'Discretionary powers of the court in witness examination procedures']

ACTS & ARTICLES

['Civil Procedure Code, 1908', 'Arbitration and Conciliation Act, 1996', 'Legal

Services Authority Act, 1987']

JUDGMENTS REFERRED

None

OBITER DICTA

The Court emphasized that efficient implementation of the amendments requires a committee to address practical challenges. It acknowledged the global success of Alternative Dispute Resolution mechanisms and noted the necessity for improved modalities in the CPC to expedite court proceedings.

RATIO DECIDENDI

The court concluded that the amendments to the CPC are constitutionally valid and aimed at streamlining processes to reduce delays. It established that compliance with the amended provisions is intended to enhance the efficiency of litigation and promote alternative dispute resolution methods.

FINAL RULING

The court ruled that the amendments do not violate constitutional provisions and recommended the formation of a committee to address practical concerns regarding implementation. The committee is tasked to report back within four months, and petitions are to be listed again thereafter.

PLAIN-LANGUAGE GIST

The case concerned the validity of recent amendments to the CPC, which the court upheld as constitutional. The court supported alternative dispute resolution mechanisms and established a committee to facilitate the amendments' effective implementation.