

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE**

LOK SABHA

UNSTARRED QUESTION NO. 1530

TO BE ANSWERED ON WEDNESDAY, THE 19th DECEMBER, 2018.

Cases Pending due to Stay Orders

1530. SHRIMATI DARSHANA VIKRAM JARDOSH:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government intends to take cognizance of the fact that there are many cases stuck up with stay orders in different courts for more than three years;**
- (b) if so, the number of court cases pending due to stay orders for more than three years; and**
- (c) the steps taken by the Government to ensure that, after specific duration and according to merit of the case, such stay orders will be automatically lifted?**

ANSWER

**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)**

(a) to (c): Data on pendency of cases is compiled by the High Courts. Information about pendency of cases in Civil and Criminal matters in High Courts and District and Subordinate Courts under their jurisdiction is periodically obtained by the Government. The data of cases pending for more than three years on account of stay orders from higher courts, is not being maintained separately.

Granting of stay orders in civil and criminal cases is part of judicial proceedings and Courts have been vested with inherent powers in this regard under the relevant provisions of the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973.

Hon'ble Supreme Court of India, in Criminal Appeal Nos. 1375-1376 of 2013, in the matter of Asian Resurfacing of Road Agency Pvt. Ltd. & Anr vs. Central Bureau of Investigation, in its Order dated 28.03.2018, has observed that the situation of proceedings remaining pending for a long time on account of stay order needs to be remedied in criminal and civil cases. Accordingly, it has been directed that in all pending cases where stay against proceedings of a civil or criminal trial is operating, the same will come to an end on the expiry of six months from of date of order i.e. 28.03.2018 unless such stay is extended in an exceptional case by a speaking order. The judgment of Hon'ble Supreme Court can be accessed at "<http://sci.gov.in/supremecourt/2011/27580/27580 Judgement 28-Mar-2018.pdf>."
