

“A sentence of the law pronounced by the court upon the matter contained in the record and the decision must be one contained in action.”

**Definition:**

***Judgment is defined under sec. 2(9) of the Civil Procedure Code as follows:***

“Judgment means the statement given by the judge on the ground of a decree or order.”

A judgment is said to be the final decision of the court on the said matter before the court in the form of suit towards parties and to the world at large by formal pronouncement in open court.

**Order 20, Rule 4(2) says that a judgment “shall contain a concise statement of the case; the points for determination, the decision thereon and all the reasons for such decision.**

**Essential of Judgment:**

A judgment should possess the essentials of a case, reasoning and basic contention on which it is delivered.

**1. Essentials of judgment other than that of the court of small causes.**

- a) A concise statement of the case;
- b) The points for the determination;
- c) The decision thereon; and
- d) The reason for such a decision.

**1. Judgment of a court of small causes:**

- a) The points for determination; and
- b) The decision thereon.

**Decree** is the operating part of the judgment and it has to be in harmony with the judgment. **Section 33 of the Civil Procedure Code, 1908 says decree is followed by the judgment.** Certain specific issues arise while dealing with this Order 20 such as the time frame for the pronouncement of the judgment; power to amend the decree; reasons for each decision etc

### **Pronouncement of Judgment- The D' Day O 20 R 1**

Crystallizing judge's intention into a formal shape in an open court leads the judgment to its final destination. Rule 1 of Order 20 deals with the pronouncement of judgment. It talks of specific time frame for the declaration of the judgment in the open court. But there was no time limit prescribed for the pronouncement of judgment prior to the amendment in 1976 which led to a persistent demand all over India for the imposition of a reasonable time frame for the declaration of judgment after the hearing of the case gets over.

In this regard, observation of the Supreme Court in **R.C.**

**Sharma v. Union of India** is worth noting;

The Civil Procedure Code does not provide a time limit for the period between the hearing of arguments and the delivery of a judgment. This confidence tends to be shaken if there is excessive delay between hearing of arguments and delivery of judgments. Justice, as we have often observed, must not only be done but must manifestly appear to be done.

Accordingly amendment was introduced providing a time limit for the declaration of the judgment. If it is not possible to pronounce the judgment at once, it should be declared within thirty days from the day of conclusion of the hearing and in case some extreme situation arises then the provision is also there to extend this declaration of pronouncement till the sixtieth day from the

conclusion of hearing. Thus judge have a discretionary power for the pronouncement of judgment for these sixty days but after that declaration becomes mandatory on the part of the judge.

**Commercial court shall pronounce judgment in 90 days.**

But what happens if the judgment is not pronounced within sixty days also. Supreme Court has strongly deprecated the action of the High Court in the case of **Anil Rai v. State of Bihar**, where the judgment was pronounced after two years. Remarks of the honorable court in this case are just next to the truth and are worth noting down:

# The Chief Justices of the High Courts may issue appropriate directions to the Registry that in a case where the judgment is reserved and is pronounced later, the judgment and date of pronouncing it be separately mentioned by the Court officer concerned.

# The Chief Justices of the High Courts should direct the Court Officers/Readers of the various Benches in the High Courts to furnish every month the list of cases in the matters where the judgments reserved are not pronounced within the period of that month.

# On noticing that after conclusion of the arguments the judgment is not pronounced within a period of two months, the concerned Chief Justice shall draw the attention of the Bench concerned to the pending matter.

# Where a judgment is not pronounced within three months, from the date of reserving it, any of the parties in the case is permitted to file an application in the High Court with prayer for early judgment. Such application, as and when filed, shall be

listed before the Bench concerned within two days excluding the intervening holidays.

# If the judgment, for any reason, is not pronounced within a period of six months, any of the parties of the said list shall be entitled to move an application before the Chief Justice of the High Court with a prayer to withdraw the said case and to make it over to any other bench for fresh arguments. It is open to the Chief Justice to grant the said prayer or to pass any other order as he deems fit in the circumstances.

### **Alteration in Judgment** 020 R3

Before the pronouncement of judgment, every right is with the judge to change his mind but the dilemma arises in the situation when judgment has been declared in the open court and after that something strikes to the judge which prompts him to alter the judgment; so the question arises will the changed mind frame should be given prevalence over the old decision or old should be preserved from the new one? Rule 3 of Order 20 of C.P.C. provides that a judgment once signed cannot be amended or altered afterwards except to correct clerical or arithmetical mistakes or errors due to accidental slips or omissions as mentioned in section 152 of the C.P.C. or on review.

According to Allahabad High Court in **Sangam Lal v. Rent Control and Eviction Officer**, a judgment dictated in an open court can be changed, even completely, before it is signed provided notice is given to all parties concerned and they are heard before the change is made. Reasoning given for this judgment was that they do not want to construe the rules too technically as they are indeed rules to further the ends of justice; so they should not be viewed too narrowly. This view of the

Allahabad High Court was also accepted by the Delhi High Court in the case of **Ram Ralaya v. The Official Receiver**.

### **Reasoning for Decision 020 R 4(2)**

As the Supreme Court in *Balraj Taneja v. Sunil Madan* **1999**, a judge cannot merely say “suit decreed” or “suit dismissed”. The whole process of reasoning has to be set out for deciding the case one way or the other. Even the Small Causes Courts judgments must be intelligible and must show that the judge has applied his mind. The judgment need not, however, be a decision on all the issues in a case. Thus, an order deciding a preliminary issue in a case, e.g. constitutional validity of a statute is a judgment.

### **Copy of the judgment O20 R 6B**

Where the judgment is pronounced, copies of the judgment shall be made available to the parties immediately after the pronouncement of the judgment for preferring an appeal on payment of such charges as may be specified in the rule made by the High Court

### **Comparison Between Judgment and Decree**

- Judgment is a statement given by a judge on the grounds of a decree or order. It is not necessary for a judge to give a statement in a decree though it is necessary in a judgment.
- It is not necessary that there should be a formal expression of the order in the judgment, though it is desirable to do so. Rule 6 order 20 states that last paragraph of the judgment should state precisely the relief granted.
- A judgment contemplates a stage prior to the passing of a decree or an order and after the pronouncement of the judgment, a decree shall follow.