

SUPREME COURT OF INDIA

Dated: May 23, 2018.

C I R C U L A R

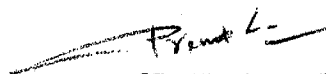
Section 2(2) of the Code of Civil Procedure, 1908, read with Order XII of the Supreme Court Rules, 2013, makes a provision for preparation of decree in a matter where rights of the parties are conclusively determined with regard to all or any of the matters in controversy in the case. The decree may be either preliminary or final as also partly preliminary and partly final. In case, further proceedings have to be taken before a case is completely disposed of, it is termed as 'preliminary decree' and where the adjudication completely disposes of the case, it is termed as 'final decree'. The exclusionary clause relates to an adjudication from which an appeal lies as an appeal from an order or an order of dismissal for default.

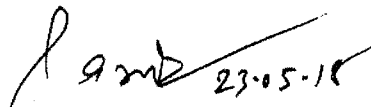
It has been noticed that the Branches on judicial side are transmitting files for preparation of decrees to the Decree Section in cases where an order of dismissal for default; order of remand; order of granting or refusing interim relief; order rejecting the appeal on the ground of delay; as also order dismissing the statutory appeals *in limine* and without admitting the same and/or order refusing leave to file appeal are made.

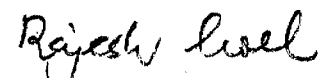
It is hereby directed that henceforth the decree shall be prepared in all cases where rights of the parties are conclusively determined in respect of all or any of the matters in *lis* in the case. However, a decree is not required to be prepared in a case


indicated in the exclusionary clause. In cases where order of remand and/or order granting or refusing interim relief touching upon the *lis* is made, a preliminary decree or partly preliminary decree, as the case may be, is required to be prepared. As regards an appeal under any statute or other instrument, decree be prepared in an adjudication, consequent upon an order admitting the said appeal, except in an order of dismissal *in limine* or where leave to file an appeal is refused. In other cases, a certified copy of the order may be sent to the Courts appealed from.


The aforesaid procedure shall be followed in consonance with Order XII of the Supreme Court Rules, 2013.


(P.K. Gera)
Registrar (A-G)


(Sanjay Parihar)
Registrar (J-IV)


(Rajesh Kumar Goel)
Registrar (J-III)


(Kapil Mehta)
Registrar (J-II)


(Ramkumar Choubey)
Registrar (J-I)

Copy to:
All concerned.