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Reappraisal of Pre-trial Proceedings of Civil Procedural Law: A Consideration for Speedy Disposal of Civil Cases in Punjab, Pakistan

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Abstract
The mechanism of pre-trial proceedings under the Code of Civil Procedure, 1908 provides a respite to expeditious disposal of civil cases in civil courts. The heavy blockage and prolonged litigation of civil cases in the civil courts of Punjab render a hurdle in the administration of justice. The pre-trial proceedings facilitate the scrutiny and enable early resolution of preliminary objections henceforth only controversial issues proceed to the main trial. This research provides insights into procedural, institutional and administrative challenges which create a gap between the law in books and the law in action. This paper argues that these procedural challenges and over-reliance on paper work can be resolved by reducing the discretionary powers of the civil courts. It purveys the account that prolonged litigation in civil courts can be reduced by resorting to the provisions of pre-trial proceedings. It is culminated that this nuance is conducive for expeditious disposal of civil cases and save time of the court. The research provides a thorough investigation of pre-trial proceedings with consideration of orders 9-A, 10, 11 and 12 of civil procedural law of Pakistan.

Key words: *Administration of justice, expeditious disposal of civil cases, pre-trial proceedings, prolong litigation, code of civil procedure 1908.*

Introduction

The techniques and mechanism for pre-trial proceedings play a significant role in administration of justice by providing expeditious Justice. Pre-trial techniques help to reduce the blockage of cases, minimize the procedural delays and also reduce the burden of civil cases. Prolong litigation is the main obstacle and reason to uphold the

rule of law in the country. When the justice system does not provide justice efficiently and properly, resultantly it is translated into miscarriage of justice. Citizens do not trust and lose their confidence in the justice system and this worst scenario produces a legal disorder in a country. The rule of law index in the world justice project 2024 shows that Pakistan is facing critical challenges to administration of justice. One can argue that with challenges to administration of justice, rule of law in country gets compromised. The main ingredients to uphold the rule of law encapsulate access to justice, expeditious justice and effective enforcement of judicial orders.

The theoretical and legal framework of pre-trial proceedings in Punjab, Pakistan regulates the civil justice system efficiently and helps to avoid unreasonable delays in proceedings. Pre-trial proceedings provide an opportunity of fair trial by ensuring expeditious judicial process. The fair implementation of pre-trial provisions can play a part in enhancing Pakistan's status in the global rule of law ranking and it will also foster a justice system that is more responsive to the needs of society. The paper provides a doctrinal review of pre-trial proceedings coupled with qualitative analysis of the nuance. The research is culminated into four sections; first one provides the review of literature, the second one renders the account of legal framework pertinent to pre-trial proceedings provided in civil procedure code, 1908 coupled with argument that if the question of law is settled at pre-liminary stages by resorting to pre-trial proceedings, henceforth only question of fact would be considered at trial stage resultant to the expeditious disposal of cases, the third section provides the counter disposition of challenges pertinent to law in books and law in action and the last section resorts to the conclusion with sound recommendations to foster the effective administration of justice.

Review of Literature

The proper place of procedure in any system of administration of justice is to help and not to thwart the people of their rights. All technicalities have to be avoided unless it is requisite to comply with them on grounds of public policy. The English system of an administration of justice is partially technical to some extent and the same system Pakistan inherited, notwithstanding it is not compulsion for any legal system to import technicalities of any legal system, which by giving effect to the formal disposition and not to the substance, defeats substantive rights of the parties. The near ideal must always be a system that considers the expeditious disposal of cases (Imtiaz Ahmad v. Ghulam Ali and others, 1963).

Technicalities of law are always avoided and discouraged in order to render complete justice and to ensure that justice is not only done but also seen to have been done. Rules of procedure are enacted for fostering the ends of justice and preserving the rights rather than to stifle the dispensation of justice and, unless they are insurmountable ends of justice, always outweigh the manner of practice and procedure (Muhammad Bashir and another v. Province of Punjab, 2003). It is the duty of the courts to try to get at the real intention of the legislature, by carefully attending to the whole scope of the statute to be constructed. To put it differently if the act is directory, its disobedience does not entail any invalidity if the act is mandatory, disobedience entails serious legal consequences amounting to the invalidity of the act done in disobedience to the provision (Niaz Muhammad Khan v. Mian Fazal Raqeeb, 1974).

The administration of justice in a civilized society is the most important factor to run the state smoothly. The expeditious Justice system is the main ingredient in an efficient judicial system and the court cannot opt for the

excuse of rush of work to prolong the litigation. Unreasonable delay in the judicial system of Pakistan violates the fundamental right to life and liberty (Bilal, 2015). The supreme court of Pakistan reflected concern about the blockage of cases in Pakistan by saying that if requisite reforms are not executed then this blockage will be worse. Efficiency in the courts of Pakistan is a critical problem in Pakistan and this problem is worse than the threat of war. The courts of Pakistan must resort to the Constitution of Islamic Republic of Pakistan, 1973 which emphasize expeditious Justice (Liaquat Hussain v. Federation of Pakistan, 1999).

It's time to implement new technologies in the courts and legal system must resort to technologies to ease the disposal of suits in Pakistan. Prolonged litigation erases the ulterior motive of justice and translates the account to "Justice delayed, Justice denied." The state must ensure the expeditious and inexpensive justice system as Pakistan is the 3rd worst country in the rule of law index, 2023. Pakistan has failed to provide justice to its citizens. The concept of rule of law is getting worse day by day and the legislation and judiciary are not paying attention towards this worst condition (World justice project, 2023).

Civil Procedure Code, 1908 (hereinafter CPC, 1908) technicalities become hurdles for its core purpose of smoothness and productivity in the civil courts of Pakistan. Court can use its inherent powers to achieve the motive of justice because the court has to provide justice at any cost and must fulfill the loopholes accountable for creating hurdles in the justice system. The Supreme court highlighted the technicalities in its precedents and lower courts must consider avoiding technicalities unless these are in public interest (Muhammad Bakhsh v. Iqbal Begum, 2018). Interrogatories help to reduce the time period of litigations and cost of the case. Fair use of interrogatories should be encouraged because it would be resultant to considerable saving of time and money. It is beneficial to the administration of justice in general (Imran Khan v. Muhammad Shehbaz Sharif, 2023).

There are various factors which defeat the administration of justice in civil courts of Pakistan. Some tactics are used by lawyers that render unnecessary adjournments. Some are used by litigants as they do not follow their cases and do not appear in court proceedings and at evidence stage some delays are due to the judicial system. There are also few factors which are raised due to complexity of procedural law (CPC, 1908). One of them is the res judicata, as res judicata defeats all the proceedings if not decided by the competent court (Umar Farooq and others, 2023). The judicial system in Pakistan is particularly hampered by non-professional behavior of judges especially regarding the timely execution of judicial responsibilities. One of the key challenges in ensuring professionalism among judges in Pakistan is the lack of accountability mechanisms and performance evaluation systems. Without consistent oversight delays in case resolution become normalized further aggravate the backlog of cases.

Furthermore, the neglected account on adequate training programs of judges for time management and case prioritization skills perpetuates inefficiencies in the judicial process. This nuance has implications that surpasses the account of delay concern of the disposal of cases and impacts litigants, lawyers, and court staff, all of whom rely on the timely delivery of judgments. It leads to the prolonged periods of uncertainty, financial strain and psychological distress for the litigants. In a consequence, this is translated into growing mistrust in the judiciary and a perception of systemic inefficiency (Sherwani, 2006). The frequent transfer of judges by one court to

another is one of the worst causes of delay in Justice that leads to miscarriage of justice. Frequent transfer of judges from one court to another has been identified as a significant factor contributing to delays in the dispensation of justice. Such transfers disrupt the continuity and efficiency of judicial proceedings. When judges are transferred, they are often unable to complete the cases they were presiding over, lead to adjournments and reassignments. The incoming judges then familiarize themselves with the details of pending cases which further prolongs the legal process. This constant rotation not only hampers the progress of cases but also affects the quality of judgments as judges may not have sufficient time to develop a comprehensive understanding of complex cases (Alam, 2010). The next section pertains to legal framework of pre-trial proceedings as consideration of strategy to expeditious disposal of cases.

Analysis of Legal framework of Pre-Trial Proceedings

Pre-trial proceedings provide a way to reduce the burden of cases and to ensure the expeditious justice, henceforth only controversial issue can be proceeded. The pre-trial proceedings mechanism in civil litigation in Punjab, Pakistan is provided in order 9-A of the CPC, 1908. After the closing of pleadings, the court normally fix a day for examination of parties under Order 10, then proceed to discovery and inspection of documents under Order 11, and fix a day for its pre-trial proceedings under Order 12. The court does not grant adjournment for more than 3 days for completion of these proceedings and the court keeps record of these proceedings in the prescribed manners which is given in appendix C form No.13 in CPC, 1908. In this whole procedure the court tries to solve the preliminary issues of the parties. These issues are primary in nature in civil suits and generally related to the law points that can be resolved at earliest stage in the pre-trial proceedings. If question of law is resolved at pre-trial proceedings, then only question of fact would proceed to the main trial resultant to save the time of court. The primary issues pertain normally; question of jurisdiction, question on limitation of suit, res-judicata and res sub-judice clauses. The below mentioned data provides a detail account on preliminary issues.

Question of Jurisdiction

Jurisdiction means the authority or power of the court to decide the case and pronounce the judgement. Jurisdiction are categorized in the following manners: Pecuniary jurisdiction and territorial jurisdiction. A civil court can entertain a suit only if the subject matter of the case is located within its territory and has pecuniary jurisdiction. The decree without jurisdiction has no binding force and can vitiate all proceedings and the court can set aside all the proceedings. If a court adjudicates a case beyond its pecuniary jurisdiction and territorial jurisdiction its decision can be challenged and can be set aside under section 12 (2) of the CPC, 1908. Jurisdiction is a fundamental aspect of civil suit that must be determined at the earliest stage of legal proceedings. The determination of jurisdictional issues in a pre-trial phase not only upholds the integrity of the judicial process but also prevents litigants from unnecessary hardship. The pre-trial proceedings help to determine the jurisdiction of the court to avoid the further litigation and also prevent the litigants from other legal consequences.

Question of Limitation of the Suit

The basic principle of limitation of suit is a fundamental aspect of legal jurisprudence ensuring that justice is sought within a stipulated time. Legislation establishes specific time limits within which an aggrieved party must bring a claim to the court. This principle is rooted in the legal maxim, "*The law aids the vigilant not those who sleep on their rights*." Consequently, courts are bound to entertain claims only if they are filed within the stipulated period. The parties who do not follow the limitation period for their suits, they shall be dismissed as provided in section 3 of Limitation Act, 1908. The Limitation Act, 1908 provides legal framework for determining the limitation period related to different types of suits, appeals and applications. In some matters the related statute provides its own limitation for the matter. The reason behind the following Act is to prevent outdated claims which increase the burden of civil courts. In the pre-trial proceedings the court considers the preliminary issue of time period of the suit, whether the suit is time barred or not. If the court finds the suit time-barred then it shall dismiss the suit under order 7 rule 11 of CPC, 1908.

Doctrine of Res-judicata

Res-judicata is an important legal doctrine that ensures that disputes once adjudicated by a competent court cannot be re-litigated between the same parties on the same cause of action. This principle helps in preventing un-wanted and unnecessary litigations in Punjab Pakistan. Order 7, Rule 11 of the CPC, 1908 provides the impact of res-judicata in the form of a preliminary plaint rejection. (Muhammad Saleem v. Nuzhat Jahan Begum, 2005). Pre-trial proceedings help in determining whether a matter has already been decided by a competent court or not and consequently, the court can prevent abuse of the judicial system and reduce the burden of cases through this determination.

Doctrine of Res Sub-judice

The premise of res sub-judice, which forbids the same parties from suing each other on the same cause of action. An issue that is now pending in the civil courts of competent jurisdiction is referred to as "res sub-judice." The institution of a new lawsuit between the same parties on the same subject matter is prohibited by law after a case is sub-judice. This principle is provided in section 10 of the CPC, 1908 which lays down the rule that no court shall proceed with a trial of a suit in which the matter in issue is directly and substantially the same as in a previously instituted suit between the same parties and pending before a competent court. The parties who do not follow this principle, it can lead to the dismissal of their suit under Order 7, Rule 11 of the CPC, 1908 which provides rejection of a plaint in cases barred by law (Syed Dilawar Jan v. Meftah Ud Din, 2015). The primary objective of the doctrine is to prevent multiple litigation which not only burdens the judiciary but also risks contradictory judgments. The rule ensures that a party does not attempt to avoid the legal process by filing multiple suits on the same matter thereby delaying justice and increasing costs for all parties involved. The proper verification of res sub-judice at this stage helps in reducing judicial blockage, expediting case resolution and ensuring a fair and efficient legal system.

Framing of Issues

The court frames issues based on the material preposition of question of law and fact, if affirmed by one party and denied by another party under Order 14, Rule 1 of CPC, 1908. The material for framing of issues are

pleadings, interrogatories, statements made by parties and contents of documents produced by both parties (Muhammad Shaukat v. Gulam Muhammad, 2013). Utmost care and attention are required in asserting the real matter in dispute between the parties. After the closing of pleadings, by examining the parties, documents and recording of admission if any made by the parties, in pre-trial proceedings, the court can frame issues on the most controversial part of law and fact, otherwise it will lead towards amendments in issues. The court may add the issues at any stage of the case under Order 14, Rule 5 of CPC, 1908 and even at the stage of appeal under Order 41, Rule 26 for the merit or the true determination of the case. After addition of the issues, the court record the evidence related to the new issues that becomes the reason of delay in a suit. The issue can also be considered by the court at appellate stage and if this issue is added at appellate stage the court mostly remand the case and record the evidence. This whole account prolongs the litigation and the utmost purpose of speedy justice is denied. So, the true valuation of issues at pre-trial proceedings is requisite and it plays a vital role to reduce the burden of the court.

Parties to the Suit

Parties are persons whose names appear on the record of the suit as plaintiff and defendant. The presence of parties is essential for the adjudication of disputes, ensuring that justice is served efficiently. The law categorizes parties into two main types; necessary and proper parties. The court may add and strike out the party at any stage if it thinks suit has been instituted in the name of wrong parties under Order 1, Rule 10. After addition of the defendant and plaintiff as case may be, the court orders for the amendment in pleadings and reframe the issues again which cause the delay (Muhammad Yousuf v. Chief Engineer, 1989). The examination of parties in the pre-trial proceedings prevents non-joinder or mis-joinder of parties.

Preservation of Evidence

The pre-trial phase serves as an essential period during which evidence related to a suit can be collected, documented and secured. This stage is particularly significant because as litigation progresses, the availability and reliability of evidence may disappear due to various factors including the death of witnesses, or their unavailability especially in cases where the marginal witnesses are outside the jurisdiction of Pakistan. The loss or fading of important evidence can significantly weaken a party's claims and affect the judicial process. The Court can preserve the evidence related to the suit through pre-trial proceedings which may become unavailable due to prolonged litigation in trial. Article 71 of Qanoon e Shahadat Order, 1984 emphasizes that all the evidence must be direct. Under Article 71 of the Qanun-e-Shahadat Order, 1984, the principle of direct evidence is established as a fundamental requirement for evidence to be admissible. Otherwise, indirect evidence creates a serious dent in the suit and affect the merit of the case, henceforth hearsay evidence has less evidentiary value.

The preservation of evidence during pre-trial proceedings ensures that material facts remain intact and available for the court to decide the case on merits. Due to the limitations and less evidentiary value of hearsay evidence the court and legal practitioners can adopt the techniques of pre-trial proceedings to safeguard the fairness of evidence, ensuring that justice is not compromised and become fatal due to procedural delays or unexpected witness unavailability.

Scrutiny of Evidence

Scrutiny of evidence is a very important and significant step towards the relevancy and admissibility of the evidence, henceforth in trial only relevant evidence is considered admissible. The court does not permit the evidence which is not according to the law ensuring that the judicial process remains fair and just. To check the authentication of documents on which parties are intended to rely whether these documents fulfill the essentials of valid documents through pre-trial proceedings, the court can check the validity of documents. Such as if parties are relying on the registered documents, necessary for deciding the merits of case, provided in Registration Act, 1908. A registered document is the main condition to get a claim as provided in section 17(bb) of Registration Act, 1908. The court does not permit the party to produce the unregistered documents due to irrelevancy and inadmissibility. This process ensures that such documents meet the necessary legal requirements. Courts conduct pre-trial proceedings to examine the validity of these documents which is essential in preventing the submission of defective or unreliable evidence. By thoroughly examining evidence before trial, courts uphold the rule of law and promote fair adjudication.

Prevention from Frivolous Litigations

The judicial system of Punjab, Pakistan faces many issues of frivolous litigation where parties misuse legal provisions for personal gain rather than genuine legal remedies. Frequent civil cases are instituted in civil courts of Punjab, Pakistan, where parties' initiate proceedings based on baseless claims by increasing the burden on the judiciary and wasting the resources of both the courts and parties. Pre-trial proceedings are an essential mechanism to scrutinize the credibility of claims before they proceed to full-fledged trials. If a party is claiming his right which is infringed by fraud and mis-representation then they must provide the particulars of fraud and how the fraud and mis-representation were committed to him because mere the allegation of fraud does not create any right to get remedy as it is provided in Order 6, Rule 4 of the CPC, 1908.

If a party fails to provide particulars of fraud in their pleadings, they cannot produce evidence accordingly, henceforth it's a settled principle, "*first plead then prove*." If the plaint fails to provide any particulars of fraud, then the court is empowered to return the plaint (Allah Dita v. Abdul Aziz, 1984). Furthermore, when the plaintiff alleges the claim, the defendant has to answer the allegation in a just and proper manner. If a defendant merely provides an evasive denial without specifically stating the claims made against them, such answer is considered as an evasive denial, that is deemed to be an admission as it is provided in Order 8, Rule 5 of the CPC, 1908. This provision ensures that a defendant must respond expressly and clearly to each claim otherwise the court may consider the claim admitted and pass the judgment accordingly. By examining the parties and documents at pre-trial proceeding court can prevent parties from delaying proceedings by providing false and confusing denials. By considering all these issues the court can check the actual footage of the case whether it is genuine or frivolous. This section has provided the detail account on legal framework of pre-trial proceedings and how the procedural lacunas can be addressed through the consideration of this nuance. The next section provides factors encapsulating gaps to consider law in books and law in action.

Controversiality of Law in Books and the Law in Action

Challenges of Myriad Nature

Pre-trial proceedings mechanism is itself a complicated procedure and its implementational challenges are categorized in following ways; procedural challenges, institutional and administrative challenges and challenges related to legal ethics and conduct. Procedural laws provide the complete guideline for the enforcement of the rights in the court. The core purpose of procedural law is to strengthen the substantive provisions and administration of justice. Notwithstanding, some factors mitigate the aim of procedural law. The factors which lead to hindrance are following; complexity in interpretation of law, lack of penal clauses, discretionary powers, miscellaneous proceedings and over reliance on paper work.

The CPC, 1908 is a fundamental legal framework that operates civil litigation in Punjab, Pakistan. It provides a detailed mechanism for pre-trial proceedings outlining, how courts should conduct preliminary processes to ensure a fair and efficient trial. However, one of the most significant challenges in the implementation of pre-trial proceedings under the CPC, 1908 is the lack of penal clauses that hold courts accountable for non-compliance with procedural mandates. This issue creates a gap between the law in books and the law in action that leads to inefficiencies, delays and a lack of adherence to procedural fairness in the judicial system. The renowned jurist John Austin emphasized the role of sanctions in law stating; *"Law is the command of the sovereign backed by sanction."* In the context of pre-trial proceedings under the CPC, 1908 the absence of penal provisions for judicial officers and administrative staff cause the non-compliance of pre-trial proceedings. Unlike litigants who face consequences such as case dismissal or fines for non-compliance, judicial officers and court staff face no direct penal sanction. However, due to weak enforcement many cases proceed to full trial without adequate pre-trial scrutiny and further proceed to prolonged litigation. The lack of penal clauses allows unnecessary adjournments and procedural delays contributing to backlog of cases.

The bare reading of the code of civil procedure is very complicated to understand. The ambiguities in the law often deviate the litigants and lawyers from the core purpose of the code because it was written in formal language. They use these complexities as a tactic and create a gap between the law in books and the law in action. Due to these complexities courts often derive different meanings from the text. When the parties file petitions to get clarity in the context it also overburdens the courts. So, there is a need to get more clarity in the context to achieve the intended goal of legislation and enhance the efficiency of the judicial system. The next issue that defeats the timely justice is the discretionary power of judges.

The civil courts of Pakistan are vested with inherent powers under section 151 of the CPC, 1908. Discretionary powers of the civil courts empower to make decisions in the interest of justice instead of following strict rules and regulations. The civil courts of Pakistan are empowered to decide the proceeding by avoiding any misuse of the justice system. The discretionary powers protect the abuse of the judicial system. Unfortunately, these discretionary powers often cause the delay in proceeding when the courts grant unnecessary adjournments to the parties. The purpose, of these discretionary powers, is not to delay the procedure but also to uphold the integrity of law. The courts grant unnecessary adjournments by saying it is necessary for the interest of justice. Furthermore, during pre-trial proceedings the court exercises its discretion under Order 11, Rule 7 of the CPC,

1908 which allows it to set aside interrogatories deemed irrelevant. Sometimes the court proceeds to the main trial by setting aside the interrogatories. The broad nature of discretionary powers enables civil courts to maintain judicial efficiency while balancing procedural fairness. However, there is also the potential for misuse or excessive reliance on such powers which can contribute to prolonged litigation and case backlogs.

Miscellaneous Proceedings

The miscellaneous proceedings denote the interlocutory application which are to some extent different from the main trial. Sometimes lawyers use it as a tactic for avoiding litigation. The objective of these proceedings is to streamline the procedure not to hinder the judicial system. When a court passes an order related to interrogatories and inspection of documents, the adverse party files a miscellaneous application in the higher court which delays the proceedings. In such cases, the appellate court grants a stay on the proceedings of the lower court until a decision is made regarding the appeal. Additionally, the frequent involvement of appellate courts in pre-trial matters diverts judicial resources away from substantive legal disputes. These proceedings cause the blockage of cases in civil courts of Punjab, Pakistan. For these reasons, courts often prefer to prioritize the main trial over extensive pre-trial proceedings. Courts can reduce down on needless delays and guarantee more effective case resolution by speeding up the trial process and reducing the scope of miscellaneous actions. The administration of justice can ultimately be seriously hampered by the abuse of miscellaneous processes. Legal reforms are therefore required to protect the rights of all parties involved in litigation and avoid needless delays.

The trajectory of case is greatly influenced by the pre-trial phase of litigation. However, an over-reliance on paperwork in court procedures frequently leads to needless delays, inefficiencies, and an increased load on the courts and both parties. In the majority of legal systems, the court does not automatically start pre-trial proceedings; instead, either party must submit an application. The many procedural processes that make up the pre-trial proceedings can be started by the courts at the request of the parties, not by the court itself. These procedures, which is started by submitting an application, involve submitting interrogations, responding to interrogations, raising objections to interrogations, examining parties, and reviewing documents. These excessive reliance on paperwork causes obstacles in the quick disposal of civil case.

Institutional and Administrative Challenges

In Punjab, Pakistan, the civil justice system is essential to settling conflicts and defending the rights of the people. Nevertheless, despite its fundamental significance, the province's civil courts nevertheless face institutional and administrative issues that compromise their effectiveness, legitimacy, and accessibility. A system that is viewed as slow and unreachable is caused by a number of issues, such as a backlog of cases, procedural delays, limited technical integration, poor infrastructure, and resource limitations. It is crucial to comprehend the underlying causes and consequences of these problems in order to change the legal system and guarantee prompt justice. Adjournments are a very important aspect of judicial proceedings in the court which are designed to ensure fairness in the litigation in case of emergency. The legislative intention behind the aspect of adjournments is to prevent the litigants from any consequences which are raised due to non-appearance of parties in the court. The court does not proceed *ex-parte* in case of non-appearance if parties sought genuine adjournment for non-

appearance. The adjournments ensure that no one can misuse the absence of parties in proceeding in the court. However, lawyers and litigants misuse the provisions of adjournments to avoid the litigation and promote prolonged litigation in the civil courts. To address this challenge the legislation-imposed restrictions on adjournments in pre-trial proceedings. The court will not grant more than three adjournments in pre-trial proceedings for expeditious disposal of cases under Order 9-A, Rule 1 of CPC, 1908. In spite of this, the lawyers often misuse provisions. This issue can be resolved through judicial reforms and strict enforcement of procedural laws. Courts must adopt a stricter approach toward granting adjournments ensuring that they are permitted only under exceptional and justifiable circumstances. The civil courts should impose measures such as imposing penalties for unnecessary adjournments. The courts should keep balance between procedural fairness and preventing unnecessary delays for the integrity of the legal process.

Lack of Modern System

The civil courts are facing different challenges such as outdated technologies and insufficient procedural framework which are hindrance in a smooth justice system. New technologies are emerging with the passage of time and courts shifted towards modern technologies but unfortunately Pakistan is still suffering from these challenges. All the judicial proceedings such as case management, record keeping are manual and based on paper work. The lack of modern technologies is delaying the judicial proceedings and causing blockage of cases. Consequently, the administration of justice is severely compromised and becomes unable to achieve. This issue requires a comprehensive consideration for improving judicial efficiency, reducing case pendency and restoring public trust in the civil justice system of Punjab.

Challenges Related to Legal Ethics and Conduct

One of the critical challenges in the effective implementation of pre-trial proceedings under the CPC, 1908. Pre-trial mechanisms such as case management hearings, disclosure of documents and identification of issues demand a high degree of ethical compliance and active cooperation from legal practitioners. Unfortunately, many lawyers continue to approach these proceedings with a traditional mindset often prioritizing procedural delays or technical objections over substantive justice. As a result, lack of adherence to professional ethics and standards of conduct by legal practitioners continues to be a major obstacle in achieving the desired efficiency and fairness in civil justice delivery.

One of the most significant challenges in pre-trial proceedings is the failure of legal practitioners to fully comply with their ethical obligations. Lawyers often prioritize procedural delay over the expeditious resolution of disputes. The counsels intentionally avoid meaningful engagement such as by seeking adjournments, failing to cooperate in case management hearings or not submitting accurate pleadings and documents in a timely manner. These practices violate the principles of honesty, fairness and responsibility that obstruct the purpose of the pre- trial phase such as by seeking adjournments, failing to cooperate in case management hearings or not submitting accurate pleadings and documents in a timely manner. These practices violate the principles of honesty, fairness and responsibility that obstruct the purpose of pre-trial proceedings. By narrowing down these issues, the courts can promote settlement and reduce unnecessary litigation.

The judicial system of Pakistan has long been subject to the influence of political influences. Political parties often utilize their influence to obtain personal benefits or to get judicial outcomes in their favor. This manipulation undermines the core principles of justice and fairness creating a doubt on the credibility of judicial decisions. Furthermore, office-bearers of legal institutions such as the senior bar members, specifically the bar's president and secretary sometimes utilize their authority to influence proceedings and outcomes of specific cases. Instead of upholding the rule of law and ethical conduct, these individuals may use their positions to secure favorable judgments. This politicization of both the bench and the bar not only compromise the justice system but also demolishes the public trust in legal institutions. The independence of the judiciary is fundamental for the protection of citizens' rights and the balance of power among state institutions. Therefore, addressing political influence within the judicial system is crucial for promoting transparency, accountability and the rule of law in Pakistan.

In *(Imran Ahmad Khan Niazi v. Shehbaz Sharif, 2023)*, the supreme court of Pakistan upheld the decision of trial court and appellate court related to pre-trial proceedings which was a significant confirmation of the rule of law and the independence of the judiciary in the country. The decision stands above political influence. The highest appellate court of Pakistan has established the principle that justice must not only be done but must be seen to be done. This ruling highlight that all citizens regardless of their political influence or social status are equal before the law.

Moreover, the supreme court of Pakistan emphasized that the situation of prolonged litigation is getting worse day by day. There is a need for some necessary procedural reforms especially in the context of case management in pre-trial proceedings. By this judgement the Supreme Court gave a broader discussion to the legal fraternity to reconsider existing procedural statutes and consider implementing reforms that can reduce case backlog and improve the overall functionality of the civil courts.

Conclusion

The paper has provided an account on pre-trial proceedings that provides a gateway to speedy disposal of civil cases. The paper has highlighted challenges of myriad nature inclusive of institutional, administrative, discretionary powers of judges and lack of modernized system that hampers the speedy disposal of cases. The paper has argued that pre-trial proceedings serve as a judicial filter allowing only genuine and meritorious matters to proceed. These proceedings inclusive of inspection of documents and examination of parties help to reduce the burden of civil litigation in civil courts of Pakistan by identifying the genuine issues. By conducting all these proceedings, the justice can be delivered more smoothly and expeditiously. Pre-trial proceedings work as an essential preventive measure in civil courts of Pakistan in civil litigation that enable civil courts to establish a clear framework for trial which could save the valuable time and resources of both the judiciary and the litigants. The non-compliance of such proceedings has led to a heavy burden of cases in civil courts across Punjab creating a state of judicial blockage and inefficiency.

The protracted and blocked lawsuits eradicate the spirit of justice litigation. This dissatisfaction could lead people to enforce the law on their own, which would increase instances of lawlessness and rights violations. The public's trust in the legal system can be restored and the spirit of the law upheld by effectively adhering to

pre-trial procedures. Furthermore, a robust monitoring and assessment system must be put in place to determine if civil courts are adhering to these rules in their entirety. Punjab, Pakistan's civil justice system can become more credible and efficient by maximizing the efficacy of pre-trial procedures through regular oversight and reform.

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