

ADVANCE SOCIAL SCIENCE ARCHIVE JOURNAL

Available Online: <https://assajournal.com>

Vol. 04 No. 01. July-September 2025. Page# 4896-4909

Print ISSN: [3006-2497](https://doi.org/10.5281/zenodo.22094399) Online ISSN: [3006-2500](https://doi.org/10.5281/zenodo.22094399)Platform & Workflow by: [Open Journal Systems](https://doi.org/10.5281/zenodo.22094399)<https://doi.org/10.5281/zenodo.22094399>

Execution of Civil Decrees in Pakistan: A Comparative Analysis of Procedural Practices and Judicial Efficiency across the Provinces

Alam Zeb Khan

Assistant Professor, School of Law
Quaid-i-Azam University, Islamabad
azkhan@qau.edu.pk

Abstract

A good civil justice system is not just one that can resolve disputes, but it is also one that can enable courts to put their orders into practice – effectively translate the decrees into relief. Salidou considered execution of civil decrees to be another important but relatively und explored aspect of civil justice in Pakistan. While the Code of Civil Procedure, 1908 sets forth a complete statutory structure of execution, it is possible that the enforcement of court judgments and orders might be impeded due to procedural delays, administrative constraints, servicing or attachment difficulties, poor inter-agency coordination within an execution administration, weak records management system and the disparity in institutional capacity between the provinces. This article critically reviews the implementation of the civil decrees in Pakistan by comparing the procedure and efficiency of courts in Punjab, Sindh province, Khyber Pakhtunkhwa and Balochistan. The study does not focus on specific cases, but on the analysis of the doctrinal and institutional approach, which follows a policy of the institution using statutory provisions, procedural rules, judicial policy documents, official judicial statistics, institutional reports and recent literature and studies. It assesses the impact of variations of court administration, procedural application, technological infrastructure, staffing and case-management practices on effective execution of decrees. The study proposes that the problem is not the lack of execution mechanism altogether, but the one constant issue which approximates the formal mechanism and their execution on the ground. In addition, it provides arguments to the effect that for reform to be meaningful there is need for a unified protocol for executions, measurable timeframes, better management of cases in the digital environment, greater accountability of the institutions, better execution of the measures and administration based on the sensitivity of the province. The article finally highlights the need to enhance the execution mechanism for realizing meaningful and effective access to justice in Pakistan.

Keywords: Civil decrees; execution proceedings; Code of Civil Procedure 1908; civil justice; judicial efficiency; provincial comparison; access to justice.

1. Introduction

A civil justice system is effective not only as a result of the number of disputes that reach the courts or of decrees issued, but also due to the factors that prevent disputes from getting to the

courts. The real test of civil justice is whether indeed a successful litigant is actually able to get the relief he/she wants from the court within a reasonable time. Decrees enforced after several years often create 'formal law' but do not result in 'substantial justice. Decree which is not enforced within the years might be legal but does not have substantial justice. So, execution of civil decrees cannot be a sideline or a mere administrative step in litigation; they are the means of making adjudication effective legal relief. Accordingly, the enforcement phase is closely linked to access to justice, trust in the judiciary, and this includes the guarantee of security of contract and property rights as well as the overall rule of law..

Pakistan has quite a complete statute on the execution of civil decrees in place. The Code of Civil Procedure, 1908 (CPC) sets out a systematic way of enforcing various types of decrees in particular in section 36 to 74 and Order XXI. Execution either shall result in delivery of property or attachment and sale, or, if such aid as aforesaid be required, in the arrest and detention in some lawful place on his own person, or in the appointment of a receiver or, if satisfaction may be had without such relief, in such other relief as the magistrates shall think fit. The statutory scheme thus takes note of the fact that the enforcement procedure cannot be mechanical and should be flexible and should take into account the nature of the decree and the circumstances of its working out (Patwari, 2023).

However, in spite of this formal set up, enforcing civil judgements in the territory of Pakistan in practice has proven to be a huge problem in the civil justice system. Just because that there is an executable decree does not mean that the decree-holder will be satisfied according to time. Execution steps that may be repeated include notice, identification of assets, attachment of assets, auction of assets, delivery of assets and interactions with revenue officers, keeping records, responding to objections. Administrative shortfalls, inadequate resources, poor case management or incomplete information management can make the enforcement process long and expensive if these processes are impacted. The net effect is that there is quite a disparity between the rights in theory, and the rights in practice.

Further, these issues have to be navigated within the frame of the larger judicial delay and institutional capacity. The current studies on causes of delay in the justice sector in Pakistan suggest that delay does not always arise because of merely a large number of pending cases but is related to other institutional, procedural and economic reasons for delay. (Gilani, 2024a). This observation has a profound impact in the context of execution proceedings since enforcement takes place after much time and money has been spent in a winning bid for an adjudication. Further delay at the execution phase can thus significantly drive up the costs of civil justice.

Recent research with respect to judicial trans haze of Pakistan further underlines the role of the efficiency of institutions. The current reform agenda emphasizes a greater emphasis on procedural simplicity, institutional responsibility and technological advancements and evidence-based law administration. These concerns do relate to execution because, as mentioned before, an enforcement system cannot rely entirely on a set of legal norms, it also requires the ability of the courts and related administration to apply those rules. Whether the law has a mechanism for execution or how, is thus not the only thing which is under question, but also how the mechanism is working in terms of speed, predictability, transparency and institutional coordination (Gilani, 2024a).

Recent official judicial statistics confirm that such an investigation is necessary. The Law and Justice Commission of Pakistan (LJCP) released the Judicial Statistics of Pakistan (2024) which offers information on the district judiciary's workload and performance at the provincial level. There are significant variations in volume of litigation and institutional workload across the provinces.(Javaid & Saleem, 2025). These variations are important as under a uniform statutory arrangement a different result may occur based on the range of cases, geography, level of judicial and administrative staffing, the infrastructure, and technology of the courts within a specific province.

Thus, the provincial aspect plays a significant role in the current research. Though all the provinces of Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan operate pretty much within the same procedural framework given by the CPC, however, their judicial institutions work in different environments, including demography, geography, administration, and technology. There may therefore be variations between the provinces in how a decree is put into practice. Differences include how a district's courts are organized, staff availability for executions, process-service rules, the methods by which courts keep their records, the processes of coordinating with revenue departments, finding properties, and digitizing court case management and monitoring procedures. A meaningful evaluation of the efficiency of execution ought to therefore transcend the notion of a necessarily uniform use of the law in practice.

The question has also macro-economic implications. An effective civil justice system ensures security of and respect for both property and contractual relationships, allowing legally recognized rights to be applied. On the other hand, doubts about enforcement drive up transaction costs and could deter investments and business activity. It has increasingly turned to the problem of judicial performance in the context of Islamic banking and the relationship between judicial performance and economic development is referred to in the light of Pakistan's policy literature as prolonged litigations and weak enforcement create uncertainty for individuals and businesses both(Gilani, 2024b). Execution of civil decrees should thus not just be seen as a mere procedural issue, but also as a component of the institutional set-up for a reliable economic and legal climate.

The significance of execution can be seen especially when it comes to the difference between adjudicatory and enforcement success. A litigant can prevail in a civil case, be granted a final order and still have a long way to go before the possession is awarded, before money damages or other relief is achieved. This amounts to a pragmatic brake or obstacle in the civil justice procedure. Inefficient enforcement can lead to wastage of time and resources spent by the adjudicator on the adjudication process without achieving the desired social or economic benefit. The key to civil justice therefore lies in implementing an integrated approach by seeing adjudication and enforcement as intertwined elements of a whole justice-delivery process.

But as more and more courts replace in-person court appearances with the judicial efficiency movement, this collaboration has also resulted in increased attention being paid to time-bound case management and digital transformation. Increasingly, measurable timelines, monitoring mechanisms and improved judicial data management are a focal point of the efforts of the National Judicial (Policy Making) Committee and other institutions dealing with judicial policy. This is an important change because the execution proceedings should be subject to observation from their initiation by the filing of an execution petition, attachment, up to the sale of the

property or delivery and satisfaction of the decree. However, in the absence of dependable data to identify rollovers of execution procedures and why they have not been cleared up, institutional reform can be a good wish.

Modernization of technologies may be important opportunities in this regard. Some possibilities could include digital filing, electronic case tracking, computerized records, automated scheduling and integrated information systems, which could help to speed up and streamline administration and enhance transparency. Technology shouldn't be seen as a substitute to procedural reform, though. In recent literature on the future of the judiciary system of Pakistan, it is argued that, if judiciary system can be strengthened and improved with the help of technological tools, it needs to be built upon institutional readiness and suitable regulations and infrastructure and responsible implementation (Gilani, 2024b). The relevance of this proposition to the issue of decree executions is even stronger as it often involves coordination between courts and other administrative institutions.

Therefore, the present study follows comparative and doctrinal/institutional method to study execution of civil decrees in Pakistan. It is not about single judgment, and does not engage in the discussion of case law to advance its analysis. It takes instead as its focus the legal regime, rules of procedure, official numbers of judges, official statistics of cases, judicial policy statements, institutional reports and newish scholarly literature. The goal is to map out the functioning of the formal execution machinery in the various provinces' institutional structure and to identify the key factors that influence the efficiency of the execution machinery.

Four key research questions steer the process of the research. First, what are the rules and regulations governing civil decrees in Pakistan? Secondly, what is the difference in the procedures and the practices in the different institutions of the execution in Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan? Third: What are the administrative, procedural, technological and institutional factors that are making the execution of the decrees delayed or ineffective? Fourth, what changes can be made to hasten the execution while ensuring that it remains speedy, predictable and effective without impairing fairness itself?

The article argues that the main problem of Pakistan is not solely that of not having statutory protections for implementation of civil decrees. Instead, the real issue is the disconnect between the 'procedural' framework and practice in the institutions. There are several mechanisms provided by the CPC for enforcement but the effectiveness of these mechanisms relies on the good operation of judicial administration, human resources, procedural discipline, record management, information systems and coordination with enforcement related institutions. Indeed, even though the legislation has moved along towards legal design, there has been a wider understanding that the legislation has to be supported by institutional processes that can make it a reality and generate outcomes within stipulated time-lines (Baig & Hashmi, 2025).

Therefore, the use of the comparative approach in this article, is supposed to lead to the realization of certain common national problems together with problems faced by the provinces. The study does not take the unqualified acceptance of the possibility that a single reform can solve all problems associated with the execution as a premise for its consideration, but rather sees the possibility of a combination of national level reforms and provincial administrative strategies. This can be done through a uniform procedure for execution, mandating fixed timelines, streamlining the monitoring process, using digital systems for recording execution

petition, greater coordination between the revenue and enforcement departments, and providing training and capacity to execution officers and efficient data collection of actual satisfaction of decrees.

The quality of civil justice ultimately has to be evaluated where the successful litigant gets the benefit of the decree. In short, the legal system may find a way to efficiently adjudicate rights but won't efficiently enforce those rights, and risk turning adjudication into a formal process. In addition to providing for faster execution of decrees, improving the effectiveness of the execution of decrees is crucial for bolstering public trust, safeguarding legitimated interests and enhancing the actual functioning of the rule of law. The legal framework is first examined and then the conditions of execution in terms of procedures and institutions are comparatively evaluated in Pakistan's four provinces..

2. Legal and Procedural Framework of Execution of Civil Decrees in Pakistan

The law on the execution of a civil decree is primarily covered by Part II of Code of Civil Procedure, 1908 (CPC), in-principle, the provisions of section 36-74 and Order XXI. The first step to how the decree-holder can realize the benefit the court provides is via the statutory underpinning, both the jurisdiction of the court and the procedures available. While the CPC is a federal procedural law, its implementation takes place in provincial courts and the key to measuring how well the execution takes place is the relationship between the CPC and the provincial administration (EUSUF, 2021).

2.1 Jurisdiction and Initiation of Execution

The courts that can execute a decree in accordance with Section 38 CPC are mainly (1) the court that passed the decree and (2) a court where the decree has been remanded for execution. Sections 39 and 40 give means and ways of transferring of decrees for execution, including cases where the judgment-debtor resides or has his property in another court district. The transfer of this type mechanism plays a significant role in countries like Pakistan due to its spatial extent where assets and parties can be in the form of different districts and provinces.

The procedure to start the execution is contained in Order XXI Rule 10. The decree-holder can apply in the court that issued the decree or the court where appropriate to where the decree has been sent. The Rule 11 sets out certain particulars in a written application for execution such as suit number, date of decree, amount payable, previous applications for execution and the person in whose favour execution should be pursued. Procedural particulars is required for an important administrative purpose as "in the absence of listing of decree, parties and relief sought, the process of enforcement would be impossible" (Misra, 2008).

It is at this initiation stage thus where Efficiency of Procedures can be found to help or hinder the process of enforcement. Failure to document properly or repeated requests for information, or investigators' failure to clearly and effectively examine an execution application, can extend the time between the issuing of a decree and when to start the execution process.

2.2 Modes of Execution

The main modes provided for the enforcement of decrees are those set out in Section 51, CPC. These contain the following reliefs: property specifically decreed to be delivered, attachment, its sale in case of lawful permission, arrest, additional and detention in stipulated circumstances, appointment of a receiver, and other best capacities as per the kind of relief acquired (Kalanauri,

n.d.). These are all different means of execution showing that execution must be in keeping with the character of decree.

In particular, attachment and sale of property are of great importance when it comes to monetary decrees. Sections 60 and thereafter indicate the type of property that could be attached and the restrictions placed on certain types of property. Order XXI, then, sets out specific steps regarding attachment, sale/distribution of proceeds. Order XXI gives provisions for delivery of the immovable or movable property for the purpose of decreeing possession. Other provisions have to do with execution of documents, negotiable instruments and with other types of specific relief.

This being a statutory variety is a strength of the framework as it allows for different forms of relief to be put in place as appropriate. However, there are a number of stages in the procedure that can also allow for delays. Thus, effectiveness of execution is not just about enforcement powers, but capacity of executing courts and other complementary institutions to be able to execute efficiently and in a timely manner.

2.3 Objections, Claims and Procedural Safeguards

Execution law needs to strike a balance between achieving effective relief to the decree-holder and preventing executions of the judgment from occurring in an unlawful manner or to the extent that it encroaches on the rights of the judgment-debtor or affected persons or third parties. Order XXI therefore offers means of dealing with claims relating to attached property, objections to execution, resistance to possession as well as challenges relating to sales.

Of particular significant importance is Section 47 CPC that provides for questions arising between the executing court and the execution relating to execution, discharge or satisfaction of a decree are answered by the said executing court and not by raising an independent suit. This measure is made to guarantee focused process, preventing compartmentalization of enforcement-related conflicts (Nelson, 2025). A concentration from an efficiency point of view is, however, dependent on the prompt recognition and removal of objections. However, the execution mechanism may significantly delay the execution of a judgment where there is a repeated procedure or a lengthy administrative process related to the objection.

So, there is no reason why procedural safeguards should be taken for inefficiency. The correct goal is to make sure that any legal points that are raised are addressed swiftly and injunctions are not used as an “establishment of review”.

2.4 Attachment, Sale and Realization

One of the more real-world applications of implementing money decrees is through attachment and sale. Order XXI provides for comprehensive rules relating to attachment, proclamation for sale, confirmation of sale and the market of sale proceeds of the property. Several administrative steps are necessarily involved in the process: identification of assets, determining the value of the assets, preparing the documentation for the sale, notifying the sale, the sale and transfer of the proceeds or of the asset.

The series of stages illustrates the reasons for a conclusion that execution efficiency does not depend simply on how quickly a judge makes a decision on an application. Significant part of execution takes place in the judicial/administrative system of processes. There could be delays as a result of issues finding the owner of a property, finding good records, serving a notice or arranging an auction with revenue officers and other government bodies.

However, according to Ishrat Husain's study on the system of Pakistani Judiciary, execution is one of the most challenging parts of civil litigation, and there is a correlation between execution delays and the economic impact (Cabrillo & Fitzpatrick, 2008). This is important because a poor execution process raises transaction costs in the enforcement of private rights, and may erode the confidence that the legal system is a good one.

2.5 Time, Case Management and Institutional Efficiency

The formal execution framework itself does not stipulate an absolute limit for the time frame in which all the civil decrees have to be satisfied. The actual time of execution is therefore largely dependent on the case management and institutional capacity. Judicial-policy initiatives have increasingly taken the turn towards having time-bound disposal and systematic monitoring of judicial proceedings, in recent times. The recent steps taken by the National Judicial (Policy Making) Committee in regard to execution related cases show the institutionalization of a better understanding that the overall enforcement processes should have schedules and should be monitored and not litigated in perpetuity (S. Ali & Hassan, 2022).

This can be backed up by the Judicial Statistics of Pakistan 2024 that shows the significance of this approach. The report also shows that the judicial category "execution" is measurable, and includes both execution petitions and execution matter with periodic payments. The figures reported also indicate significant differences between the caseloads of each jurisdiction in their scope of execution activities (H. Khan et al., 2025a). These types of data can help to make more accurately judgments about where backlogs in executions are occurring and if the institutions of the organs are in line with workload.

2.6 The Implementation Gap

The law thus lays out a fairly complete structure of ways to enforce civil decrees. The core issue is gap in implementing statutory capacity and performance of the institutions. An administrative procedure that runs sluggishly or is under-resourced won't do much for a legal rule that allows for attachment, sale, possession, or some other form of enforcement.

This is in line with the wider research in the area of judicial delay in Pakistan. Delay needs to be regarded not only from the case backlog point of view, but also from institutional and economic parameters (Gilani, 2024c). So, the same to an execution. The question is not whether order XXI gives the courts enough law to enable them to do their job effectively, but rather whether the courts are organizationally capable of using the powers that the law gives.

For this reason, only the provincial implementation has been the subject of the comparative analysis done in the following, meaning that the statutory provisions have not been reproduced. The basic CPC structure is common to Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan, however, the courts of these provinces have different conditions, geographical environment, workload and technology. It is therefore necessary to try to assess the effectiveness of execution on the basis of the common legal regime working in these various institutional settings.

3. Provincial Variations in Execution Procedures

While there is a common statutory framework provided for execution in Pakistan under the Code of Civil Procedure, 1908, the execution of civil justice is still largely provincial. Judicial workload, institutional set-up, geographical, court infrastructure, record management and technological capabilities have an impact on how execution proceedings are done. Thus, the comparison with

other provinces is revealing of a crucial difference between uniformity of procedural legislation and variation with regard to the procedural implementations.

3.1 Punjab

Punjab boasts the highest and most overloaded district court system in Pakistan. According to Judicial Statistics of Pakistan 2024, over 1.38 million cases were pending at the opening of 2024 in the Punjab district judiciary while over 3.97 million institutions were made and 4.34 million disposals made in a year. Because of the volume of such work, execution is especially crucial as even a relatively high disposal rate could still result in significant quantities of casework that has been disposed of in post-decree but which still requires administrative action (H. Khan et al., 2025b).

The PIDE RASTA programme research adds more evidence on the institutional bottlenecks in the lower judiciary of Punjab. A study in Lahore, Multan and Rawalpindi revealed that adjournment, expenses, lack of coordination and flaws in court administration were also significant factors that added to inefficiency. The study also revealed court automation and professional trainings significance as the mechanisms for enhancement of judicial performance (Chaudhary et al., 2024). All these results have direct relevance for execution as the administration of them has to be accomplished continuously, once the substantive dispute has been settled.

In the other key elements of court adoption, Punjab has also improved in a comparative manner in structured case-management and court administration records systems. However, some research into judicial case management revealed that the discontinuity, lack of staff capacity building, and institutional hesitancy are some of the challenges to sustained judicial case management efforts (Shahbaz & Zafar, 2025). The Punjab experience based on this is an example that mere technological adoption does not guarantee the efficiency in the execution. To support digital systems, the well-trained individuals and standard procedures with continuity must be provided.

3.2 Sindh

Institutional climate is quite different in Sindh due to the focus of civil litigation and commercial litigation in Karachi. Sindh's published rules in the High Court contain a specific chapter on execution proceedings which mentions about the transmission of decrees, even when the property is in more than one jurisdiction, which will be done in more than one district (Tanguay-Renaud, 2002). This is an example of the need for procedural coordination within a province where commercial activity and/or property and/or parties may extend beyond the confines of the district.

Looking at execution matters that have been listed on the High Court, it is accessible that these cases are pending at different stages, such as service, objecting and compliance. Administrative records have value as they illustrate that execution is a series of events and activities that must be continually managed (Pirzada et al., n.d.-a). While the possession of detailed rules and publicly posted lists means there is an institutional mechanism available for monitoring, how effective monitoring can be ultimately depends on timely expedencies between different stages of procedures.

In absolute terms the overall workload of judicial activities is significantly lighter in Sindh as compared to Punjab, but even the numbers for 2024 indicate over 131,000 cases pending before the district courts in Sindh (H. Khan et al., 2025c). The comparison shows that for execution

efficiency; it is not possible to assume an increase in numbers of workload merely. Also relevant are geographical factors, such as the number of litigations happening in a given district, as well as the character of business conflicts and administrative traits about certain districts.

3.3 Khyber Pakhtunkhwa

The basic CPC regime is the same in Khyber Pakhtunkhwa, though it has its own geographical and administrative issues. The district judiciary started 2024 with about 273,762 pending cases and received over 501,000 new institutions during the year, but disposed of over 530,000 cases (Abdullah, 2024a). Figures show a higher than average throughput of institutions, as well as high workload indicators.

Geographical dispersion may generate further problems of service, problems of identification and attachment of property and problems of co-ordination between courts and administrative authorities, in execution proceedings. To carry out such measures in these situations, satisfactory record keeping and workable transfer and monitoring mechanisms of decrees are crucial. The province's policies with respect to administration of its courts and civil records are thus vital factors in execution efficiency. Moreover, the Peshawar High Court has formalized the rules for preparing and providing records of the civil courts, highlighting the crucial role of accurate and easily available court documentation in administrative matters (Mahar et al., 2024).

The overall lesson learnt from the experience in Khyber Pakhtunkhwa is therefore that the execution efficiency requires among other factors the efficiency of administration and court records. If it is hard to find out relevant documents, or administrative procedures are fragmented, it is not possible for a decree to be ideally transmitted or implemented.

3.4 Balochistan

In Balochistan perhaps the most impressive evidence of the geographical conditions and judicial system is to be found. The pending cases numbered about 17,818 at the end of December 2023, which was significantly lower than the absolute number of cases in the remaining three provinces. But the number of transactions in itself does not necessarily reflect efficiency of these executions. Geographic dispersion, combined with limited institutional infrastructure and widespread distribution of courts over a large geographic area can make enforcement more expensive and difficult in practice (Abdullah, 2024b).

It is important to note, therefore, that the relatively small caseload needs to be interpreted with caution. Efficiency of the judges should be evaluated, based on workload and resources, actual disposal rate and satisfaction of decrees and not on the basis of number of cases. Even in provinces where there may be only a handful of cases, execution may take greater logistical coordination in those provinces that have just one or two areas where the population is in dense clusters.

3.5 Comparative Assessment

This comparison of the provinces shows that the basic bodies of law are largely the same; however, the institutional contexts for implementation of execution are markedly different. Scale and congestion are the major issues in Punjab, complexity of business and metropolis has been dominant in Sindh, geographical and administrative coordination not only has its effect in Khyber Pakhtunkhwa but is also a significant issue and infrastructure and distance being a major challenge in Balochistan.

Such differences indicate that a blanket model of reform might not be sufficient. national standards of procedures must be upheld; procedures must be implemented in a way that allows province specific administrative solutions. Standardized form of executions, electronic tracking, clear procedure time lines and common performance measures could deliver a national level of consistency, and staffing and infrastructure and technological investments could be negotiated to regional needs.

4. Judicial Efficiency and Institutional Challenges in Decree Execution

The difficulty in executing proceedings does not just lie with the legal rules in themselves, but also with the ability to apply them in an efficient way. Ability to execute within the system should therefore be tested according to the following multiple indicators that are linked and interconnected: workload, administrative capacity, delay in proceedings, management of records, technological facilities and coordination with institutions related to the execution.

First, there's structural pressure, due to workload and backlog. According to statistics of course published in 2024, the total number of pending cases in Pakistan's district courts was over 1.86 million at the start of 2024, and handled over five million new cases during 2024 (Abdullah, 2024c). The provincial estimates bring huge variations in sizes, Punjab has the largest proportion. There are no specific targets for a percentage of attention to be paid to execution proceedings, and a 'high' general workload will inevitably impact on proceedings in relation to a post decree unless a specific percentage is targeted and monitored.

Secondly, fragmentation affects procedures resulting in delay. It can be by services, attachment, valuation, auction and satisfaction and many at times it is done by different officials / institutions. The civil procedure conducting research in Pakistan revealed that delay is attributed to certain key factors such as taking too many procedural steps and poor case-flow management. The PIDE study, which was done on the basis of examining the records of civil courts and interviewing legal and judicial officials, suggests that automation and active case management, along with administrative changes, should be a part of the whole case procedure reform (Pirzada et al., n.d.-b). The recommendations apply even more so to executions because, with each additional administrative step, there is another point of possible delay.

Thirdly, it is important: court administration and human resources. Staffing at the execution departments needs to be trained for efficiency, including staff to process warrants, record, coordinate service and monitor compliance - as automation alone cannot resolve the issue (Sarwar & Idrees, n.d.) Even when clear legal entitlements exist, execution procedures may be languishing, due to inadequate administrative support by the judges.

Fourthly, there is a problem with institutional considerations of record and property information. The majority of civil decrees involve immovable property, without solid land records, there will be a significant failure in effective attachment/delivery. In recent PIDE studies on the revenue justice system in Pakistan, digitization is identified as a key instrument and an element of lessening "sludge" in government and decrease in economic cost due to land related conflicts (Haque & Khan, 2024). While such revenue proceedings are separated from civil execution, it is clear that there is a broader need for integrated and reliable property information for enforcement and that this research serves as an example of this.

Fifth, there are great possibilities for digitalization and case-flow management. The courts could use electronic filing to flag cases that are nearing or have surpassed required timelines, as well

as a central and automated execution register to track progress on cases. Specifically PIDE research recommends that the civil justice system of Pakistan, in particular, needs to be automated with the introduction of e-portals, digitization of case management wing and digitization of administrative wing which would contribute towards reform of the whole system (Wahid & Mumtaz, n.d.). The interoperability of judicial systems and other relevant administrative institutions; not yet a digitization of individual aspects of the judicial process. Lastly, monitoring by the institutions is crucial. But without dependable data on the number of petitions for execution, the status of pending petitions, and how long petitions take to be completed, it will be difficult if not impossible to improve efficiency in execution. The recently touted judicial dashboards and data-driven monitoring could be a significant step (Z. Ali et al., 2024).

Central institutional lesson is thus that execution should be considered as a tangible part of judicial performance and not as an invisible after adjudication process. A court system without a separate system for monitoring the realization of decrees that only reports disposal of suits is unable to give a full picture of civil justice. Success means a mix of procedure, administrative capability, technological solution and institutional responsibility.

5. Comparative Findings and Critical Analysis

The provincial comparison well illustrates that it is not that Pakistan lacks of any statutory mechanism for execution, but it has institutions with varying capacities to conduct the executions according to those statutory mechanisms. The two biggest troubles are one of scale for Punjab and one of 'litigation', particularly in the metropolitan and commercial sector, in Sindh. However, Khyber Pakhtunkhwa has geographical and coordination, administrative difficulties, and Balochistan has a relatively small number of cases, but with rich infrastructural and geographical challenges. Such disparities highlight the fact that, not everything that goes into the procedural provisions necessarily results in the same level of enforcement outcome (Jamali, 2025).

The second finding is that execution is still underdeveloped as part of a wider process in terms of judicial performance assessment. Official judicial statistics are increasingly showing the number of execution petitions as a category, but actual execution data doesn't necessarily prove any actual execution of the decree (Thikkavarapu & Jain, 2025). Accordingly, there should be a clear separation in the performance framework between the disposal itself of an execution petition, and the actual realization of the decree. The closing of an execution file for procedural reasons differs essentially from the substantive rights of the decree-holder which are successfully enforced.

Third, there are many indications that execution efficiency is very often determined more by administrative than adjudicatory issues. The time of enforcement can be significantly influenced by service of process, property identification, attachment, valuation, auctioning and record management and interaction with revenue officials. The same is true about the institutional fragmentation, procedural complexity and weak case management in judicial system, which are important reasons behind delay in judiciary proceedings in Pakistan (Pirzada et al., n.d.-c).

Fourth, digitization must be set in the framework of institutions, the comparison suggests, and cannot be seen on its own as a solution. The success of case-management initiatives as in Punjab and a wide range of other national judicial digitalization initiatives illustrate the potential benefit

of keeping records electronically, and having systems to help track and schedule cases (Rojas & Blanco, 2024). But, without adequate training, standardized processes and proper institutional stewardship, technological reform is not likely to lead to lasting changes.

Lastly, there are execution consequences that impact beyond the individual v. individual cases. Increased delay in enforcement of judgment raises transaction and the legal costs of transactions, reduces the certainty of the enforceability of property and contract rights. Judicial delay and "sludge" in other institutions can result in costs that are not restricted to the courtroom (Gilani, 2024d). Decree execution, therefore, should be looked upon as a part of the legal and economic mechanism of Pakistan

6. Reforming the Execution of Civil Decrees in Pakistan

Comparative results warrant a reform process of a mix of uniform procedural standards and institutionally differentiated measures at provincial level. First, there needs to be set time line for execution procedures and to be measurable. Time limits should also start with the presentation of the execution petition and the responsibilities for each of the stages should be indicated instead of suggesting a general time of disposal. The present NJPMC activities on "time bound disposal" serves as a starting point to build such a system (MARDANI, n.d.).

Second, courts should set up special or dedicated execution-management mechanisms in district courts. Such mechanisms do not necessarily need to consist of separate courts: more staff for executing, a uniform register and trained administrative officers could have a significant impact on case-flow management. Judicial reform studies in Pakistan do advocate for more robust administrative capabilities as key attributes needed to combat delay (K. Khan, 2017).

Third, Robust integrated Digital system of execution tracking should be developed in Pakistan. A unique digital status to be given to every execution petition in terms of date of filing, the decree amount/relief granted, the method of execution, the status of attachment as well as sale/possession stage and final satisfaction. A framework like this would enable the High Courts and judicial policy institutions to know issues of institutional backlog on the ground with real-time information.

Fourth, there is need for better coordination among courts, revenue authorities, land-record authorities and others to enforce. E-conducting property records would help minimize the delays in the process of verifying and attaching. However, other studies on the land and revenue administration in Pakistan show that digitization and making the system less complicated can help lower institutional friction (Haque, 2020).

Last but not least, judicial-performance indicators should focus on the satisfaction of decrees and not so much on the number of execution petitions disposed of. This would provide an incentive for institutions to focus on substance, and not administration. It is important, therefore, that the reform goal should be a civil justice system where to secure a decree is merely the first step of litigation and begins litigation's predictable and efficient enforcement process.

Conclusion

he testing ground where effectiveness of Pakistan's civil justice system is finally put to test is the execution of civil decrees. As the Code of Civil Procedure, 1908 has laid a solid base for a statutory framework for the enforcement of the orders, there are still legal mechanisms, but that does not mean that they are all implemented timely and effectively. The main problem is on the

institutional--administrative side between the formal execution framework and its actual functioning.

A comparative analysis of the provinces of Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan also shows that for the execution process, the situation in the provinces plays a very important role. The overall judicial framework is similar but the differing circumstances results from variations in judicial workload, geographical location, administrative capacity, judicial records, technological tools available and the coordination with various law enforcement agencies.

It's therefore not just a matter of legislative change but real reform. To turn formal decrees into effective remedies, time-bound execution, digital execution tracking, improving property, court records, and developing specialized execution-management tools, in addition to strengthening administrative capacities and measurable performance indicators is needed. Focus needs to be shifted towards quantifiable satisfaction of decrees, and not just on the number of execution petitions disposed of.

However, with the issuance of a decree, the reaching to access to justice is not done. The whole conception of justice is rendered meaningless unless the successful litigant can be expected to receive the benefit for which he has fought in a reasonably and foreseeable time frame. In this context, it becomes imperative to enhance the execution process in order to be more efficient, to secure public confidence, to gain economic certainty and to make the rule of law a reality in Pakistan.

References:

- Abdullah, K. (2024a). Case Backlog Crisis in Pakistan's Courts: Structural Failure or Administrative Inefficiency? *Global Legal Studies Review*, 9(2), 60–72.
- Abdullah, K. (2024b). Case Backlog Crisis in Pakistan's Courts: Structural Failure or Administrative Inefficiency? *Global Legal Studies Review*, 9(2), 60–72.
- Abdullah, K. (2024c). Case Backlog Crisis in Pakistan's Courts: Structural Failure or Administrative Inefficiency? *Global Legal Studies Review*, 9(2), 60–72.
- Ali, S., & Hassan, M. (2022). Evaluation of pending cases in the judiciary of Pakistan: Figures and statistics. *Pakistan Social Sciences Review*, 6(2), 592–602.
- Ali, Z., Hussain, T., & Ali, A. (2024). Towards Legal and Judicial Reforms: In Pursuit of Transforming the Justice System. *Annals of Human and Social Sciences*, 5(3), 789–801.
- Baig, K., & Hashmi, M. A. I. (2025). JUDICIAL INTERVENTION, PARTY AUTONOMY, AND EFFICIENCY: A COMPARATIVE DOCTRINAL STUDY OF THE UK ARBITRATION ACTS 1996 AND 2025. *ASSAJ*, 3(01), 2130–2139.
- Cabrillo, F., & Fitzpatrick, S. (2008). The economics of courts and litigation. In *The Economics of Courts and Litigation*. Edward Elgar Publishing.
- Chaudhary, M. G., Sarwar, S., & Idrees, A. S. (2024). Assessing the Judicial Efficiency of District Courts in Pakistan: An Empirical Evidence Using Extended Linear Programming Technique. *Pakistan Journal of Economic Studies (PJES)*, 7(2), 145–168.
- EUSUF, I. M. (2021). *Mediation under the Code of Civil Procedure, 1908: Legal and Institutional Reforms*. © University of Dhaka.
- Gilani, U. I. (2024a). Reflections on the political economy of judicial delay in Pakistan. *Discourse*, 2.
- Gilani, U. I. (2024b). Reflections on the political economy of judicial delay in Pakistan. *Discourse*, 2.
- Gilani, U. I. (2024c). Reflections on the political economy of judicial delay in Pakistan. *Discourse*, 2.
- Gilani, U. I. (2024d). Reflections on the political economy of judicial delay in Pakistan. *Discourse*, 2.

- Haque, N. U. (2020). *Increasing revenue for metropolitan corporation Islamabad*. Pakistan Institute of Development Economics.
- Haque, N. U., & Khan, F. J. (2024). *RASTA Local Research, Local Solutions: Growth and Taxation, Volume VII*. Pakistan Institute of Development Economics.
- Jamali, Z. (2025). The Twenty-Sixth Constitutional Amendment and the Erosion of Judicial Independence in Pakistan: A Critical Analysis. *Available at SSRN 5639651*.
- Javaid, B., & Saleem, S. (2025). Admissibility of Artificial Intelligence-Based Evidence in Pakistan: Legal Standards and Judicial Responses. *UCP Journal of Law & Legal Education*, 3(3), 59–86.
- Kalanauri, Z. (n.d.). *Articles on Islamic Law: A Critical Analysis of Doctrines, Reforms, and Legal Practices*.
- Khan, H., Shabbir, S. S., Mustafa, A. U., Shabbir, O., & Sheikh, S. J. (2025a). Constitutional rights and access to justice in Pakistan: A comprehensive analysis with case laws. *Social Science Review Archives*, 3(1), 2080–2098.
- Khan, H., Shabbir, S. S., Mustafa, A. U., Shabbir, O., & Sheikh, S. J. (2025b). Constitutional rights and access to justice in Pakistan: A comprehensive analysis with case laws. *Social Science Review Archives*, 3(1), 2080–2098.
- Khan, H., Shabbir, S. S., Mustafa, A. U., Shabbir, O., & Sheikh, S. J. (2025c). Constitutional rights and access to justice in Pakistan: A comprehensive analysis with case laws. *Social Science Review Archives*, 3(1), 2080–2098.
- Khan, K. (2017). Professional Summary. *Cell*, 92, 321–5083313.
- Mahar, S., Mahmood, N., & Zafar, S. (2024). ICT implementation in the judicial system of Pakistan: A Case Study. *Journal of Information & Communication*, 18(1).
- MARDANI, M. (n.d.). *Optimization of Water Treatment Systems for Selenium Removal in the Fiume Santo Power Plant, Sardinia, Italy: A Comparative Analysis of Execution Strategies and Cost-Efficiency*.
- Misra, A. (2008). *Law Series-8 The Code of Civil Procedure, 1908*. Upkar Prakashan.
- Nelson, M. J. (2025). Pakistan in 2024: Reconstituting a Hybrid Regime. *Asian Survey*, 65(2), 202–213.
- Patwari, A. B. M. (2023). *World legal encyclopedia chapter on legal system of bangladesh*. © University of Dhaka.
- Pirzada, A. J., Zafar, S., Fatima, T., & Adil, M. (n.d.-a). *INVESTIGATING PROCEDURAL, INSTITUTIONAL & CIRCUMSTANTIAL IMPEDIMENTS LEADING TO DELAY IN DISPENSATION OF JUSTICE*.
- Pirzada, A. J., Zafar, S., Fatima, T., & Adil, M. (n.d.-b). *INVESTIGATING PROCEDURAL, INSTITUTIONAL & CIRCUMSTANTIAL IMPEDIMENTS LEADING TO DELAY IN DISPENSATION OF JUSTICE*.
- Pirzada, A. J., Zafar, S., Fatima, T., & Adil, M. (n.d.-c). *INVESTIGATING PROCEDURAL, INSTITUTIONAL & CIRCUMSTANTIAL IMPEDIMENTS LEADING TO DELAY IN DISPENSATION OF JUSTICE*.
- Rojas, H., & Blanco, R. (2024). 12 Judicial Independence in Chile, 1973–2023. *Judicial Independence in Transitional Democracies*.
- Sarwar, S., & Idrees, A. S. (n.d.). *BOTTLENECKS OR INEFFICIENCIES: A CRITICAL ANALYSIS OF JUDICIAL EFFICIENCY AND COURT PRODUCTIVITY IN THE LOWER JUDICIARY SYSTEM OF PUNJAB*.
- Shahbaz, M., & Zafar, M. I. (2025). Justice Delayed in Punjab, Pakistan: A Quantitative Evidence of the Causes and Implications of Prolonged Disposal of Heinous and Serious Criminal Cases. *Journal of Religion and Society*, 4(02), 949–969.
- Tanguay-Renaud, F. (2002). Post-Colonial Pluralism, Human Rights & (and) the Administration of Criminal Justice in the Federally Administered Tribal Areas of Pakistan. *Sing. J. Int'l & Comp. L.*, 6, 541.
- Thikkavarapu, P. R., & Jain, C. (2025). *Tareekh Pe Justice: Reforms for India's District Courts*. Simon and Schuster.
- Wahid, A., & Mumtaz, M. Z. (n.d.). *DECAPITALIZATION IN THE PAKISTAN STOCK EXCHANGE*.