

# **National Judicial Academy**

## **Orientation Programme for Newly Appointed District Judges 09 – 10 May, 2026 [P-1503]**

### **Programme Report**

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The National Judicial Academy organized a two-day Orientation Programme for Newly Appointed District Judges on 09 – 10 May, 2026. The participants were district judges nominated by the respective High Courts. The orientation programme aimed to discuss the role of district court in the administration of justice focussing on key areas including bar and bench relations and improving capacity building of staff. The orientation programme also focused on key areas in appellate powers of district judges in civil justice administration and criminal justice administration. The programme involved deliberations on interlocutory and final reliefs in civil law including injunction and enforcement of contracts.

### **Session 1: Role of District Court in Administration of Justice**

The session commenced with discussion on ensuring conducive bar and bench relations and it was stated that judges should be patient in interacting with advocates and should be cordial with bar. There should be motivation and guidance to new advocates and proper opportunities should be given to them for their career growth. The discussion then focussed on how to ensure maximum productivity on the part of advocates and various strategies in this regard were highlighted. The issue of ensuring discipline in courtroom was discussed and it was stated that judges should aspire to be leader of the court. The qualities of a good leader were discussed in this regard and various illustrations were shared with participants to demonstrate the working as an effective judge. The strategies to conduct trials in an effective manner were discussed and the role of judge in ensuring timely and expeditious justice was emphasised. It was stated that judge should grant adjournment according to well established rules and precedents and should ensure that trial is conducted according to decided schedule. Various strategies to deal with dilatory tactics of parties were highlighted and participants shared their queries and views in this regard. Various provisions of Bharatiya Nagarik Suraksha Sanhita [BNSS] for ensuring discipline in courtroom were discussed. Sections 250, 267, 379 of BNSS and Section 153 of Bhartiya Sakshya Adhiniyam were referred in this regard. The discussion then focussed on the training of court staff and various issues were discussed in this regard. It was emphasised that court staff should be provided adequate exposure in emerging areas in court management and role of principal district judges was highlighted with regard to training of court staff. The queries of participants regarding management of court were answered and effective strategies for management of court were highlighted. The issues related to disposal of execution petition were discussed and participants share their experiences in this regard. Various aspects of hierarchy among judges were discussed and ways to foster positive outlook in human resource management were highlighted.

### **Session 2: Civil Justice Administration: Appellate Powers of District Judge**

The session was commenced with discussion on the nature of right to appeal and the scope of first appeal was highlighted. It was stated that appeal is a creation of statute. Section 151 of the Code of Civil Procedure was referred and the nature of plenary power of a civil court was discussed. Section 152, CPC dealing with amendment of judgments, decrees or orders was also referred and power of court to correct clerical or arithmetical mistakes in judgments, decrees and orders was discussed. The statutory framework of CPC dealing with first appeal was discussed and Sections 96 to 99A dealing with appeals from original decrees, Sections 102 to

103 dealing with appeals from appellate decrees, Sections 104 to 106 dealing with appeals from orders and Sections 107 to 108 dealing with general provision relating to appeal were referred. Section 35 A dealing with special cost for false claims, Section 91 dealing with public nuisances, Section 92 dealing with public charities, Section 95 dealing with compensation for obtaining arrest etc. on insufficient ground were also referred. The discussion then focussed on the powers of the appellate courts and the power to determine a case finally, power to remand a case, power to frame issues and refer them from trial and power to take additional evidence or to require such evidence to be taken were highlighted. Various rules of Order 41 dealing with appeals from original decrees were discussed and issues related to memorandum of appeal and application for condonation of delay were deliberated upon. The issues related to stay of appellate court were discussed and various procedures on hearing were highlighted including hearing appeal ex parte, readmission of appeal dismissed for default, rehearing on application of respondents against whom ex parte decree has been made, remand of case by appellate court and when the appellate court may determine the case finally. The factors for writing a good judgment in appeal were highlighted including points for determination, the reasons for the decision and the relief to which the appellant is entitled. The session was concluded with discussion on Order 42, CPC dealing with appeals from appellate decrees and Order 43, CPC dealing with appeals from orders.

### **Session 3: Criminal Justice Administration: Appellate Powers of the Sessions Judge**

The session was commenced with discussion on provisions for appeal and Sections 372 to Section 394 of the Code of Criminal Procedure and Sections 413 to 435 of the Bharatiya Nagarik Suraksha Sanhita were referred. Focussing on the right of a victim to prefer an appeal it was stated that a victim can file an appeal against acquittal, lesser offence and inadequate compensation. Then appeal by the State government against sentence on the ground of inadequacy and by central government under Delhi special Police Establishment Act was discussed and various judgments of the Supreme Court were referred in this regard. It was stated that Session Court shall not enhance the sentence without show cause to the accused and while showing cause, the accused may plead for his acquittal or for reduction of sentence. The discussion then focussed on issues related to appeal against acquittal to the Court of Session in respect of cognizable and non bailable offence and appeal to the High Court from an original or appellate order of acquittal passed by any court. It was stated that all or any of the person convicted at trial has a right of appeal and appeal shall be heard by session Judge/ASJ. The appeal against conviction by magistrate second class may be heard by Assistant Session Judge or CJM and the petition of appeal shall be accompanied by a copy of judgement. Then issues related to jail appeal were discussed and it was opined that jail appeal to be forwarded by officer in charge of the jail and copies accompanying the same should be there. It was further added that if there is no sufficient ground to adjudicate then appeal may be dismissed summarily and accused should be provided an opportunity of hearing in such situations. The appellate court shall record reasons while dismissing the appeal in a summary manner. Then major elements of criminal appeal were discussed and it was stated that the notice of place and time of hearing and grounds of appeal should be mentioned. It was added that appellate court shall send for the record of the case but record is not necessary if the appeal is limited to the extent of legality of the sentence. The powers of the appellate court were highlighted and it was stated that if there

is no sufficient grounds for interfering then the appellate court may dismiss the appeal. The appellate court can reverse the finding and may acquit the accused and it may alter the sentence but cannot enhance the sentence except in an appeal for the enhancement of sentence after hearing. In appeal from the order of acquittal the appellate court may reverse such order and can issue directions for further inquiry or retrial. It was emphasised that the appellate court shall not inflict greater punishment than which might have been inflicted by the court passing the order.

The discussion then focussed on further evidence in appeal and Section 432 of BNSS was referred. The judgments of the Supreme Court were discussed in this regard including *Ashok Bhutia v State of Sikkim* 2011 Cr.L.J. 1770 (SC), *Bir Singh v. State of U.P.* (1977) 4 SCC 420, *Zahira Habibullah Shaikh v. State of Gujarat*, (2004) 4 SCC 158 and *State (NCT of Delhi) v. Pankaj Chaudhary* (2019) 11 SCC 575. The issues regarding right of appeal vis-à-vis victim were also discussed and proviso to Section 413 of BNSS was referred. The issue that whether a victim can file an appeal for enhancement of sentence was discussed and judgments *Parvinder Kansal v. State (NCT of Delhi)*, (2020) 19 SCC 496, *Khem Singh v. State of Uttaranchal* 2025 SCC OnLine SC 1778, *Asian Paints Ltd. v. Ram Babu & another* (2025) 10 SCC 372, *Dinubhai Bogabhai Solanki v. State of Gujarat* AIR 2017 SC 5690, *Rekha Murarka v. State of W.B.* (2020) 2 SCC 474, *Jagjeet Singh v. Ashish Mishra* AIR 2022 SC 1918 and *Jaswinder Singh (Dead) through L.R.s v. Navjot Singh Sidhu* AIR 2022 SC 2441 were referred in this regard.

#### **Session 4: Interlocutory Reliefs in Civil Law: Injunction**

The session was commenced with discussion on the definition and meaning of interlocutory reliefs and purpose of the interlocutory orders was explained to participants. The legal framework for interlocutory reliefs in the Code of Civil Procedure (CPC) was discussed and Orders 24, 25, 26, 38, 39, 40, CPC were referred. Various types of interlocutory orders under Order 39, CPC were explained including temporary injunctions, interim sale, preservation of property, entry into land or building for examination and deposit of money or property in court. The discussion then focussed on legal principles governing interlocutory orders and the nature of equitable remedies was explained. The triple test for grant of interlocutory relief i.e. *Prima Facie Test*, *Balance of Convenience Test*, *Irreparable Injury Test* was highlighted and explained with illustrations. Various forms of injunction were discussed including *Mareva Injunction*, *Anton Piller Injunction*, *John Doe Injunction*, *Anti-Suit Injunction*, *Dynamic Injunction*, *Mandatory Injunction*, *Anti Arbitration Injunction*, *Super Injunction* and *Norwich Pharmacal Order*. The proceeding in the nature of *qui timet action* was also explained and the judgment *Kuldip Singh v. Subhash Chander Jain* AIR 2000 SC 1410 was referred in this regard. The challenges to a *qui timet action* were highlighted and issues regarding high risk of potential abuse, unfettered judicial discretion and heavy burden of proof were discussed. The discussion then focussed on the appeal against interlocutory orders in arbitration and types of arbitral orders were discussed. Section 37 of the Arbitration and Conciliation Act was discussed and the judgment *SBP & Co. vs. Patel Engineering Ltd* (2005) 8 SCC 618 were referred in this

regard. The issues regarding appeal against a discretionary order were highlighted and the judgment *Bhudev Mallick v. Ranajit Ghoshal* 2025 SCC OnLine SC 360 was referred.

Various judgments were discussed in the session including *Ramkant Ambalal Choksi v. Harish Ambalal Choksi* 2024 INSC 913, *Ramrameshwari Devi v. Nirmala Devi* [(2011) 8 SCC 249] *Maria Margarida Sequeira Fernandes v. Erasmo Jack de Sequeira* (2012) 5 SCC 370, *Kashi Math Samstha & Anr. v. Srimad Sudhindra Thirtha Swamy & Ors.*, (2010) 1 SCC 689, *Mareva Compania Naviera SA v. International Bulkcarriers* [1980] 1 All ER 213, *Eros International Media Ltd. v. BSNL* [2016 SCC OnLine Bom 10458], *Dorab Cawasji Warden v. Coomi Sorab Warden & Ors.* (1990) AIR 867 SC), *Suniel Shetty v. John Doe & Ors.* 2025 SCC OnLine Bom 3918, *Akshay Hari Om Bhatia v. John Doe* 2025 SCC OnLine Bom4044, *Aishwarya Rai Bachchan v. Aishwaryaworld.com* 2025 SCC OnLine Del5943, *Abhishek Bachchan v. The Bollywood TeeShop* 2025 SCC OnLine Del5944, *Karan Johar v. Ashok Kumar* 2025 SCCOnLine Del6108, *Arijit Singh v. Codible Ventures LLP* 2024 SCC OnLineBom 2445 and *Asha Bhosle v. Mayc Inc.*, 2025 SCC OnLineBom 3485.

### **Session 5: Final Reliefs in Civil Law: Enforcement of Contracts**

The session was commenced with discussion on the nature of equitable remedies and equitable remedies mandated by the Specific Relief Act, 1963 were highlighted which included recovery of possession, specific performance of contracts, injunctions, rectification, rescission and cancellation of instruments and declaratory relief. Then each equitable remedy was explained in detailed manner and remedy of specific performance of contract and damages in breach of contract was discussed. The judgment *Universal Petro Chemicals Ltd. v. B.P. PLC & Ors.* was referred in this regard. The impact of Specific Relief (Amendment) Act, 2018 was discussed and it was stated that prior to amendment, the grant of relief of specific performance was a discretionary relief. Post amendment, shift occurred from a discretionary remedy to a performance-oriented one, making specific performance a mandatory relief under certain conditions and removing the "inadequacy test". The commercial and economic consequences of the 2018 amendment were discussed and it was stated that the changes were implemented primarily to improve India's rank on the World Bank's 'Ease of Doing Business' index, particularly the 'Enforcing Contracts' indicator. The most profound effect is the enhanced sanctity of contracts. Parties are now legally compelled to honour their promises, eliminating the previous 'efficient breach' model where a party could deliberately breach a contract and simply pay damages if it was commercially more profitable. The amendment also has positive effect on business certainty and enhances scope of performance of contracts.

The discussion then focussed on remedy of injunction and Sections 37, 38 and 39 dealing with temporary injunctions, permanent injunctions and mandatory injunctions were referred. The remedies of rectification, rescission and cancellation were discussed and Sections 26, 27, 28, 29, 30, 31, 32 and 33 of the Specific Relief Act were referred. The nature of declaratory relief was discussed and Sections 34 and 35 of the Specific Relief Act were referred. The issues regarding restitution and unjust enrichment were highlighted and Section 144 of the Code of Civil Procedure and judgment *Karnataka rare-earth and another vs. Senior Geologist, Dept.*

*of Mines and Geology and another* ( 2004) 2 SCC 783 were referred. The conditions for providing relief of restitution according to Section 144 were explained. The judgments *Bansidhar Sharma (since Deceased), Rep by his Legal Representative vs. State of Rajasthan & others* 2021(1) MWN (Civil) 105 and *Bhikchand S/o Dhondiram Mutha (Deceased) Through LRs. Versus Shamabai Dhanraj Gugale (Deceased) Through LRs.* 2024 INSC 411 were also discussed.