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Research article

Judicial Inefficiencies and Case Management: A Study on the Causes of Civil Suit Backlogs in Bangladesh

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ABSTRACT

Civil suit backlog remains a persistent challenge to effective access to justice in Bangladesh. This article examines procedural, institutional and administrative factors that may contribute to delay, with particular attention to summons, adjournments, pleadings, miscellaneous applications and execution. It adopts a qualitative doctrinal socio-legal approach: constitutional and statutory materials are interpreted alongside reported scholarship, publicly available judicial statistics and selected case narratives. The article does not claim to have conducted interviews, court observation or a representative field survey; accordingly, reported experiences and illustrative case histories are not treated as independently verified empirical findings. The review of the literature identifies a gap in integrated analysis of procedural rules and continuous case management from institution to execution. The article argues that improving timely civil justice requires coordinated case management, reliable data, accountable process service, proportionate control of adjournments, accessible mediation and adequate judicial and administrative resources. Statistical figures are dated and attributed, and constitutional claims are framed cautiously: the Constitution supports lawful and effective protection, but it does not expressly establish a freestanding fundamental right to speedy disposal of every civil suit.

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Introduction

The administration of civil justice is a central component of constitutional democracy and the rule of law. Courts resolve disputes concerning property, contracts, inheritance, family relations and other civil rights. The practical value of a legal right depends not only on the availability of a court but also on whether a remedy can be obtained and enforced within a reasonable period. Prolonged civil litigation can increase financial and psychological burdens, weaken legal certainty and reduce public confidence. Bangladesh's civil procedure is principally governed by the Code of Civil Procedure, 1908 (CPC), read with other applicable statutes and court rules. The CPC regulates institution, pleadings, summons, trial, judgment, appeal and execution; delay at one stage can therefore affect the entire life of a case. The lower-court total was 40,78,432, including 16,90,443 civil cases. These figures are reproduced as the reviewer's specified snapshot and should be checked against the original parliamentary record before publication. They describe pendency on a particular date, not the number of cases delayed by any defined period. The CPC governs virtually every stage of civil litigation, including institution of suits, service of summons, pleadings, discovery, evidence, judgment, decree, appeal, and execution. Consequently, deficiencies within procedural administration directly influence judicial efficiency throughout the litigation process. The crisis has become increasingly visible through the exponential growth of pending cases in subordinate courts. (Rahman, 2017) Parliamentary information presented in 2026 revealed that more than 46 lakh cases were pending across Bangladesh's judiciary, with over 40 lakh cases pending in subordinate courts alone. Among those pending matters, approximately 16.9 lakh are civil cases awaiting disposal. This situation illustrates that subordinate civil courts remain the principal contributors to judicial backlog, making civil justice reform a national constitutional priority. Judicial delay affects not only litigants but also broader socio-economic development. Delayed enforcement of contractual rights discourages investment, unresolved land disputes create economic uncertainty, prolonged inheritance litigation disrupts family stability, and delayed commercial adjudication increases transaction costs. Thus, judicial efficiency

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constitutes both a constitutional imperative and a development concern. An important contemporary reform agenda focuses on judicial case management. Modern civil justice systems increasingly recognize that judges should actively manage litigation rather than passively supervise adversarial proceedings. Case management includes scheduling hearings, controlling adjournments, supervising discovery, encouraging mediation, monitoring compliance with procedural deadlines, and ensuring efficient trial progression. Bangladesh has introduced limited case management mechanisms through amendments to the CPC, particularly sections 89A-89E relating to mediation and more recent reforms emphasizing digital procedures and streamlined summons. Nevertheless, implementation challenges remain substantial. (Talukder, 2018) (Adding Sections of CPC) This research therefore investigates judicial inefficiencies from a doctrinal perspective and examines whether existing procedural law sufficiently addresses systemic causes of civil suit backlogs.

Background of the Study

In Bangladesh, backlogs in civil litigation are now one of the biggest problems. A global concern, delays in the justice delivery system are perceived as a barrier to the general public's access to justice and a violation of their human rights. (Alam, 2019) The broader problem is not merely numerical congestion: delays can arise from procedural steps, institutional capacity, litigant conduct and the time required to enforce decrees.The Code of Civil Procedure 1908 has been amended nine times between 1973 and 2021 to reduce unnecessary delay. However, the backlog has not changed, and the number of pending cases has increased over the last decade. In Bangladesh, litigants confront hurdles at every stage of the legal process, from filing a claim to obtaining a judgment and enforcing it. According to a source from Bangladesh's Dhaka Tribune newspaper, dated July 16, 2020, a massive backlog of civil suits in Bangladesh totaling over 1.5 million pending in courts and growing every day. (Ahmed, 2021) During his 2016 speech to the National Judicial Conference, the Chief Justice issued a warning that an excessive amount of unresolved cases could slow down the legal system, increase costs associated with it, deter people from visiting the Court, and lead them to turn to extralegal means, like coercion or money, to find a suitable resolution. (Khan, 2017) The irony is that, in Britain, the court system has evolved dramatically in 250 years, but we continue to utilize it. (Islam, 2022) The courts are overflowing with cases. Bangladesh's civil courts are no exception. It has more people living in it than any other place. It is also more crowded.

Statement of the Problem

Civil suits may remain unresolved for many years, but the duration varies by case, court, complexity and procedural history. Long-running litigation can impose repeated travel, legal fees and opportunity costs, and may allow the practical benefit of a judgment to diminish. The central question is whether existing procedural rules and their administration, particularly summons, adjournments, pleadings and applications to set aside procedural orders are applied in a way that supports fair and proportionate progression. The article does not assume that every adjournment or application is abusive; procedural safeguards are necessary to prevent default and ensure a fair hearing. In Bangladesh, delays are quite bad for civil litigation. The amount of time needed to resolve cases completely from the moment of their origin is excessive in many cases, 10 to 15 years. (Chowdhury, 2013) This delay has resulted in serious harassment of the litigant public. 6. Long-running legal disputes are hurting people. The regulations that govern the nation make it seem impossible for anyone to survive and witness the conclusion of a lawsuit. The people are getting poorer as a result of travelling to and from the Court, paying advocate fees, and making payments to different courts at different levels and places. The output is null, though (Ahmed, 2022). Spending more money than the property's cost has not produced any results. The beneficiaries are those who have been occupying the land unlawfully for a long time. The Researcher must determine whether or not the CPC's provisions pertaining to summons, time petitions, and miscellaneous suits are successful in resolving civil suits in a certain local jurisdiction.

Objectives of the study

a) To expose the real scenario of backlogs of civil litigation and causes of delay in Bangladesh.
b) To find out the reasons behind the existing mechanisms for conducting civil litigation are failing to give justice speedily.
c) The objectives are to analyses the legal and institutional causes of civil-suit delay in Bangladesh;
d) To evaluate the procedural mechanisms relevant to summons, adjournments, pleadings, mediation and execution;
e) To assess the constitutional and international framework without overstating the right to speedy civil adjudication;
f) To propose reforms that improve continuous, fair and accountable case management
g) To quest for a better mechanism rather than the existing mechanism in order to mitigate inordinate delay.

Research Questions

This article is guided by the following research questions:

a) What constitutes judicial inefficiency within Bangladesh's civil justice system?
b) What constitutional principles require timely disposal of civil suits?
c) Which provisions of the Code of Civil Procedure contribute to procedural delay?
d) What institutional factors create civil suit backlogs?
e) How effective are mediation and case-management reforms introduced into the CPC?
f) What lessons may Bangladesh learn from comparative jurisdictions?
g) What doctrinal reforms can strengthen judicial case management in Bangladesh?

Review of Relevant Literature

Justice Mohammad Hamidul Haque (2016), in his book titled "The Trial of Civil and Criminal Cases (Haque, 2016, p. 89)", has tried to emphasize the legal framework for conducting civil suits and which stages are the reasons for the delay of civil disputes. Throughout his book, he has taken a small initiative to point out the possible redress mechanism to mitigate inordinate delay.

Shahadat Swapan (2020), in his article titled "Initiatives to reduce case entanglement (Swapan, 2020)," which was published on Kholakagaj.com, described some procedural and non-procedural reasons for the delay of civil disputes, which create backlogs. He also offered reasons for the delay of the civil suit, which was an intentional delay by praying time petition repeatedly. He prescribed accountability for judges and advocates, which caused the delay in the civil suit. He focused on the technical matter rather than the provisions of the existing laws.

Mijanur Rahman (2017), in his article relating to 50 Lakh cases in 2020! (Khan, 2017) describes the right to get justice speedily as a fundamental right. The Researcher also discussed Article 31 of the Constitution's right to recourse to law, which states that whenever one is threatened with his right or fundamental right, he is entitled to take recourse. The Researcher, in his article, identified the effects of delay of civil suits in the society of Bangladesh and explored the difficulties arising out of technicalities, intentional delay, and practical barriers. However, The Researcher did not describe any provisions of the Code of Civil Procedure that caused the delay in the civil suit.

Malek Mollick (2014) tried to show in his article relating to when will the case be opened? How? (Mollick, 2014) Here he has just found out a few reasons for the delay of the civil suit regarding the prayers of frequent adjournment of hearings submitted by the lawyers. He also described some other socio-economic contexts regarding the delay in the civil suit.

Ummey Sharaban Tahura and MRLL Kelly (2015), in their research about Procedural Experiences from the Civil Courts of Bangladesh: Case Management as a Potential Means of Reducing Backlogs (Tahura & Kelly, 2015), tried to emphasize some reasons behind the delay of civil suits within the specific of the civil justice system. The Researchers suggested that case management should be brought into the litigation system formally as a necessity through an amendment of the CPC. They described that the mode of taking evidence should be changed, the classification of civil suits should be re-arranged according to the complexity, and different treatment should be ensured.

Mohammad Mizanur Rahman Chowdhury (2004), in his research regarding A Study on Delay in the Disposal of Civil Litigation (Chowdhury, 2004) the Researcher has said that loopholes in law cannot be said to be only responsible for delay in disposal and increased number of suits but may be said to be responsible for expanding scope of technicalities and influence the parties to take advantage of such technicalities with intent to delay in the disposal of the suit.

Mohammad Iqbal Hasan & Fahmida Johura Rupa (2021), in their research Digitization of Bangladesh judiciary and access to justice (Hasan & Rupa, 2021), tried to identify the reasons for delay of civil suit in case of delay in the mistake in the plaint, delay in non-deposit of process fee id time, delay in service of notice to government, delay due to late appearance of the defendant, delay in non-filing written statements in time, delay in settlement of issues, delay in pronouncing judgment. They did not identify any loopholes in the Existing laws.

Muhammad Sazzad Hossain & Mohammad Imam Hossain (2012), in their research relating to Causes of Delay in the Administration of Civil Justice (Hossain & Hossain, 2012), tried to discuss the loopholes and complexity in the procedural law and case management system and widespread corruption and malpractices are among a number of facts which delay and delay access to justice for many. They pointed out that the existing provisions of CPC are a fertile field for clever lawyers to prolong the proceedings to any length of time.

Ashutosh Sarkar (2013), in his article regarding “Backlogs of cases”, tried to identify the grounds for the delay in civil suit proceedings and addressed two standpoints: one is unintentional, and the other is intentional. Unintentional delay occurs out of the old legal system. The other is intentional delays, which take place mostly by persons who are instrumental in the administration of justice and, more specifically, lawyers and parties to the suit.

ABM Asrafuzzaman and Golam Mustafa Hasan (2021), in his research titled Causes and Redresses of Delay in Disposal of Civil Suit in Dhaka District: An Empirical Study (Asrafuzzaman & Hasan, 2021), he addressed only the changes made since 20003 to the procedure for serving to summon, adjournment, restoration of suits for non-appearance of parties, final hearing and completion of trial. The Researcher also suggested pragmatic and practicable measures be taken in order to reduce undue delays and expedite civil proceedings at each stage of a suit in Bangladesh.

The literature on civil delay in Bangladesh may be grouped into four overlapping strands.First, practitioner-oriented works on civil trial procedure describe the stages of a suit and identify practical difficulties in pleadings, summons, evidence and execution. Secondly, newspaper and commentary accounts draw attention to the social costs of prolonged litigation and to repeated adjournments, though such accounts are not substitutes for systematic court-level data. Thirdly, doctrinal and socio-legal studies examine procedural complexity, institutional weaknesses, professional incentives and case-management reform. Tahura and Kelly's study of procedural experiences in civil courts, for example, highlights case management as a possible response and discusses differentiated treatment of cases; studies by Hossain and Hossain and by Hasan and Rupa address procedural and digitization-related barriers. Fourthly, empirical studies focused on particular districts offer context-specific observations, but their findings should not automatically be generalized nationally. A critical gap remains in connecting these strands. Much of the existing discussion identifies individual causes-such as service of summons, adjournments or deficient court administration-without evaluating how these stages interact across the complete path from filing to execution. This article addresses that gap through a structured

doctrinal assessment of procedural rules and institutional responsibilities, using public statistics and case narratives as contextual material rather than as a representative empirical dataset. Its contribution is therefore analytical and normative: it evaluates whether existing tools can be coordinated into a more continuous case-management framework.

Methodology of the study

This article uses a qualitative doctrinal socio-legal methodology. Its primary legal materials comprise the Constitution of Bangladesh, the Code of Civil Procedure, 1908 and other statutes relevant to civil court jurisdiction, limitation, court fees, legal aid and alternative dispute resolution, together with applicable rules and reported judicial decisions where identified. Secondary materials include academic books and articles, institutional reports, parliamentary statements and dated news accounts. Materials were selected for their direct relevance to procedural delay, case management and civil justice administration in Bangladesh. The case narratives included in the manuscript are treated as illustrative examples of reported procedural histories, not as a statistically selected sample or proof that the same causes prevail in all courts. The study does not report interviews, observation, surveys or independent verification of court files. Numerical information is used only with its stated date and source; where the source or coverage cannot be confirmed, the figure is identified as requiring verification or is excluded from any trend claim. The analysis is limited to doctrinal interpretation and synthesis of published material and does not purport to measure causal effects empirically.

Limitation of the research

The study has several limitations. First, it focuses on selected procedural stages—summons, adjournments, pleadings, miscellaneous applications, mediation and execution—rather than every cause of delay. Secondly, the statistical figures are drawn from publicly available sources and have not been independently audited; differences in dates and court coverage limit comparison. Thirdly, district-level practices may vary, and the article has not conducted fieldwork to measure those variations. Fourthly, individual case narratives are included for illustration and cannot establish the frequency or prevalence of a particular cause. Accordingly, the conclusions are doctrinal and normative, not empirically validated causal findings.

Conceptual Framework of the Research

Civil suit

A civil dispute can begin by filing a Complaint with the appropriate Court. A pliant, also known as "Arji" in Bengali, is a document in which the facts and reasons of a claim are clearly and concisely stated. (Rahman Khan, n.d.) The complaint includes the name of the Court, the names and addresses of the parties, the cause(s) of action, the relief sought, and other information (Order VII, Rule 1, Code of Civil Procedure 1908). 18 Civil suits usually deal with the parties' rights to both moveable and immovable property. (Boruya, n.d.) According to Section 9 of the Code of Civil Procedure, the Court will take cognizance of civil suits such as the right to office and property. (Code of Civil Procedure, 1908, § 9; Ahmed, 2021)

Backlogs of suit

A backlog refers to cases that have been pending in Court for more than the authorized time. Backlogs are the accumulation of something, particularly unfinished work or issues that must be addressed. This term is widely used in common law countries. In actuality, a backlog refers to conflicts that have remained unresolved in Court for longer than the specified time limit. The set time limit is simply suggestive.21

Rule of Law Theory

The Rule of Law is the primary constitutional doctrine underpinning judicial administration in Bangladesh. According to Dicey's conception, the Rule of Law requires equality before law, supremacy of law, and protection against arbitrary governmental action. In Bangladesh, Articles 27 and 31 of the Constitution constitutionalize these principles by guaranteeing equal protection of law and lawful treatment. Judicial delay undermines these guarantees because access to a court becomes ineffective when remedies are excessively delayed. (Hossain, 2018)The Rule of Law therefore establishes that justice must not only be available but must also be delivered within a reasonable period. Delayed adjudication weakens legal certainty, reduces enforceability of rights, and diminishes public confidence in the judiciary. (adding theory)

Access to Justice Theory

Access to justice extends beyond the physical availability of courts. Modern legal scholarship recognizes that effective access requires affordable, timely, impartial, and enforceable judicial remedies. The right becomes meaningless where litigants face prolonged proceedings, repeated adjournments, and delayed execution of judgments. (Rahman, 2019)Within Bangladesh, access to justice is protected through constitutional guarantees and statutory procedural rights under the Code of Civil Procedure. This research conceptualizes civil suit backlog as an obstacle to effective access to justice. Using theory

Active Judicial Case Management Theory

Traditional adversarial litigation allowed parties to determine the pace of proceedings. Contemporary civil justice reforms in common-law jurisdictions shifted toward active judicial management, where judges supervise procedural timelines, monitor compliance, encourage settlement, restrict unnecessary adjournments, and manage evidence efficiently. (Moula & Mim, 2023)The framework adopts this theory to evaluate whether Bangladesh's procedural law sufficiently empowers judges to actively control civil litigation. (Adding modification)

Judicial Case Management

Judicial case management refers to the systematic supervision of civil proceedings by judges from filing to execution in order to ensure efficient, fair, and timely disposal. Essential elements include:

i. Scheduling conferences;
ii. Procedural timetables;
iii. Monitoring pleadings;
iv. Limiting adjournments;
v. Controlling discovery and evidence;
vi. Encouraging mediation;
vii. Monitoring compliance with court directions;
viii. Digital case tracking.

Case management represents the principal institutional intervention examined in this research.

Judicial Case Management under the Civil Justice System of Bangladesh

Judicial case management has emerged as an essential component of contemporary civil justice administration. Traditional adversarial procedure largely leaves the progression of litigation in the hands of the parties and their representatives. Such a model may be appropriate where litigation is limited and judicial resources are abundant, but it becomes increasingly problematic in a system confronted with substantial case congestion. In Bangladesh, where civil courts operate under continuing pressure from accumulated cases, effective adjudication requires more than the formal application of procedural rules. It requires an institutional framework within which judges actively manage the life cycle of a case, identify the real controversy at an early stage, prevent unnecessary procedural applications, encourage settlement where appropriate, control adjournments, manage evidence, and ensure that judgments are ultimately executed. (Reywaj, 2023)The Code of Civil Procedure, 1908 (CPC) already contains several mechanisms capable of supporting such an approach. Its provisions concerning pleadings, framing of issues, adjournments, costs, mediation, appeals and execution provide judges with significant procedural powers. More recent reform has strengthened this framework. (Reywaj, 2023)The Code of Civil Procedure (Amendment) Ordinance, 2025 introduced, among other changes, affidavit-based proof of facts in plaints, examination-in-chief on affidavit, and amendments directed toward procedural efficiency. The current text of the CPC also contains mandatory mediation mechanisms under sections 89A and 89C and statutory cost consequences for certain forms of procedural delay.

National Legal Framework

The Constitution of the People's Republic of Bangladesh

The Constitution of the People's Republic of Bangladesh is the supreme law of the land and provides the normative foundation for the administration of justice. Although the Constitution does not expressly recognize a separate fundamental right to a speedy civil trial, its provisions collectively establish a constitutional obligation to ensure timely, effective, impartial, and accessible justice. The constitutional guarantees of equality before law, protection of law, due process, judicial independence, judicial supervision, and binding judicial precedent create a comprehensive legal framework that requires civil disputes to be resolved within a reasonable period. Delays in civil litigation therefore raise constitutional concerns because prolonged judicial proceedings undermine access to justice, weaken the rule of law, and diminish public confidence in judicial institutions. This section critically analyses the constitutional provisions that form the legal basis of speedy civil justice in Bangladesh and explains how these provisions impose constitutional duties upon courts, judicial officers, and the State to reduce civil case backlogs through efficient judicial administration and case management.

Article 27: Equality before Law

Article 27 guarantees equality before law and equal protection of law. Delayed civil justice disproportionately affects poor litigants who lack resources to sustain lengthy litigation. Consequently, excessive delay creates inequality in practical access to judicial remedies. In the context of civil justice, Article 27 has several constitutional implications. (Constitution of Bangladesh, 1972, art. 27). First, civil courts must administer justice impartially without arbitrary discrimination between litigants. Second, procedural rules must operate uniformly so that similarly situated litigants receive similar judicial treatment. Third, unreasonable judicial delay may violate Article 27 because prolonged litigation disproportionately affects economically disadvantaged litigants who cannot sustain lengthy legal proceedings. Wealthier parties often possess greater financial capacity to continue litigation through repeated adjournments and procedural applications, while poorer litigants may abandon legitimate claims because of increasing costs. The constitutional guarantee of equal protection therefore extends beyond formal equality and requires equal access to timely justice. Judicial backlog creates practical inequality because delayed remedies effectively deny weaker parties the protection promised by Article 27. Consequently, judicial efficiency becomes an essential constitutional mechanism for realizing substantive equality before law.

Article 31: Protection of Law

Article 31 provides that every citizen shall enjoy protection of law and be treated according to law. Protection of law includes effective judicial remedies against violations of legal rights. Where procedural delay renders remedies ineffective, Article 31 loses substantive meaning. Article 31 is widely regarded as one of the most significant constitutional provisions supporting the administration of justice because it guarantees the right to legal protection rather than merely the existence of legal institutions. (Constitution of Bangladesh, 1972, art. 31) Protection of law necessarily includes access to competent courts, fair procedures, impartial adjudication, and effective enforcement of judicial decisions. Article 31 requires courts to ensure that legal procedures remain reasonable and consistent with justice. Delayed adjudication increases litigation expenses, weakens evidence, affects witnesses, and often renders judicial remedies ineffective. Therefore, prolonged procedural delay may amount to ineffective protection of law, contrary to the constitutional spirit of Article 31.

Article 32: Right to Life and Personal Liberty

Although primarily associated with criminal justice, Article 32 has broader implications for procedural fairness. Property disputes, inheritance rights, family rights, and livelihood-related civil disputes directly affect constitutional dignity and security. Civil litigation

frequently affects rights closely connected with constitutional dignity and livelihood. Land disputes, eviction proceedings, inheritance conflicts, family property disputes, and contractual claims may significantly affect an individual's livelihood and economic security. Consequently, unreasonable delays in adjudicating such disputes may indirectly impair constitutionally protected interests. A doctrinal interpretation of Articles 31 and 32 together establishes that constitutional justice is not confined to lawful procedure but extends to effective and meaningful procedure. Timeliness is therefore an essential characteristic of constitutional due process within civil justice administration. (Constitution of Bangladesh, 1972, art. 32) Article 32 protects life and personal liberty against deprivation except in accordance with law. Its primary focus is not the routine resolution of civil property disputes. A civil delay may have serious consequences for livelihood, housing or personal security, but Article 32 should not be presented as independently guaranteeing a general right to speedy disposal of every civil suit. The more cautious constitutional argument is that prolonged proceedings may impair effective legal protection and access to remedies, assessed in the context of the rights and interests actually engaged.

Article 102: Constitutional Remedies and Judicial Review

Article 102 empowers the High Court Division to issue directions, orders, and writs for the enforcement of Fundamental Rights and to declare unlawful actions void. This jurisdiction constitutes one of the strongest constitutional mechanisms for protecting access to justice in Bangladesh. (Constitution of Bangladesh, 1972, art. 102) Article 102 confers constitutional writ jurisdiction on the High Court Division, including remedies for enforcement of fundamental rights and review of unlawful action within the provision's scope. It is not a universal mechanism for supervising the routine conduct or timetable of every civil suit. Ordinary civil proceedings are generally addressed through the CPC and the relevant appellate, revisional and supervisory channels. Article 102 may be relevant where a distinct constitutional or public-law issue is properly raised, but the article should not imply that every procedural delay automatically gives rise to writ relief. (Constitution of Bangladesh, 1972, art. 102)Article 102 empowers the High Court Division to issue directions, orders, and writs for the enforcement of Fundamental Rights and to declare unlawful actions void. This jurisdiction constitutes one of the strongest constitutional mechanisms for protecting access to justice in Bangladesh. Correction

Importance for Civil Justice

Article 102 enables judicial review where governmental or judicial administrative actions violate constitutional rights. Although ordinary civil disputes generally proceed through subordinate courts, constitutional remedies remain available where procedural injustice results from unlawful administrative action or violation of fundamental rights. (Constitution of Bangladesh, 1972, art. 102)

Writ Jurisdiction and Judicial Administration

The High Court Division may issue constitutional directions to public authorities responsible for judicial administration where administrative failures affect constitutional rights. Consequently, Article 102 contributes indirectly to improving judicial efficiency by ensuring constitutional accountability. Modification

Doctrinal Significance

Judicial review under Article 102 reinforces the constitutional principle that access to justice includes effective judicial administration. Administrative practices contributing to systemic denial of justice remain subject to constitutional scrutiny. (Constitution of Bangladesh, 1972, art. 102)

Articles 109–112:

Supervisory Jurisdiction of the High Court Division. Article 109 expressly provides for the High Court Division's superintendence and control over subordinate courts and tribunals. Articles 110–112 address related constitutional arrangements concerning transfer of cases and the judiciary's institutional structure and functioning; they should not be described collectively as a general, undifferentiated supervisory power.

i. Supervision includes:
ii. Ensuring lawful judicial administration;
iii. Correcting jurisdictional errors;
iv. Maintaining procedural discipline;
v. Protecting legality within subordinate courts.

Therefore, constitutional supervision supports judicial efficiency. (Constitution of Bangladesh, 1972, arts. 109–112) Modification

However, in reality, because of time-consuming petitions, procedural flaws in summonses that the Court has approved, and grave errors in the legal system, parties are dejected and denied obtaining property. A fundamental right guaranteed by the Bangladeshi Constitution is the ability of citizens to get justice through a prompt trial. (Constitution of Bangladesh, 1972, art. 35(3))

The Code of Civil Procedure, 1908

The plaintiff must abide by the CPC's ruling and rules in order to institute a civil suit. The CPC has decried the process of these steps. (Code of Civil Procedure, 1908)The code specifies requirements for the initiation of a civil suit, including the rules of summons, written statement, pleadings, the appearance of parties, discovery inspection of the document, admission, issue frame, trail procedure, adjournment, cost, interest, judgment, decree, execution of the decree, compromise of decree, application of commission, special procedure of summon, ad interim order, receiver, appeal, review, revision, etc.

Civil Rules and Order, 1935 (CRO mechanism)

Regarding the advocates' and judges' official and private conduct, CRO has several guidelines. The terms and conditions that are not contained in the Parent Act are required, as is a CRO, in order to clarify the situation with the CPC. It covers administrative and technical issues, including guidelines for process servers, how they should actually serve summonses, and what to do in the event that something goes wrong. Parliament has not passed it into

law. Sections 122 and 123, as well as Article 94 of the Constitution, grant the Supreme Court the authority to make rules. (Civil Rules and Orders, 1935, rr. 122–123) It is the direction of the civil court officers who report to Bangladesh's High Court Division of the Supreme Court. Judges and advocates alike will find CRO's detailed and simple explanations of procedural matters to be instantly understandable. The suit can be resolved quickly and amicably if the conditions are correctly fulfilled. It addresses the practical issues that need to be resolved before a lawsuit is filed, including the applicant's and his advocates' roles and the Seristader's actions. It explains how the process server will actually serve, how the court officer registers, how to file a number and other procedures like every phase of a civil lawsuit for prompt resolution. (Civil Rules and Orders, 1935, rr. 65–69)

The Civil Court Act, 1887

The CPC's provisions are insufficient to start a civil lawsuit. The law is not full. It must assist in the administration of other laws, such as the Court. Section 3 of this Act states that there would be five different kinds of civil courts:

i. Civil Judge Court
ii. Senior Civil Judge Court
iii. Joint District Judge Court
iv. Additional District Judge Court
v. Court of District Judge

The responsible Court must receive the civil lawsuits from the parties. Judges differ in their geographical and financial purview. The parties' failure to file the lawsuit with the appropriate Court could unnecessarily delay civil lawsuits. (Civil Courts Act, 1887, § 3)

The Civil Suit Instruction and Manual

The rules that are not stated in the CPC and CRO are included here. The manual describes the practical approach of the judges' and advocates' operations in order to conduct litigation quickly. It may be a technique for dealing with existing loopholes and evil technicalities in the way of early disposal. It is also the Court's guide for the procedure to be followed by judges, court officers, process servers, and advocates. If the manual's provisions can help expedite and direct the right disposal of the suits,

The Limitation Act, 1908

Sections 4 to 25 of the Limitation Act state that if a suit is filed after the period of limitation has expired, the appeal will be dismissed. Section 5 also provides for the donation of delay by demonstrating that there was adequate cause for not preferring the appeal or making the application within the specified time frame. The term "sufficient cause" is unclear. The applicant may have an opportunity to explain the phrase through misinterpretation. Many factors can be mentioned here. The rules of limitation will govern every stage of the civil proceeding. Except for the time specified in the Act, the Court will not accept any lawsuits. (Limitation Act, 1908, § 3)

The Court Fees Act, 1870

To conduct civil litigation, it is necessary to determine how much court fees will be paid to the Court. Various types of courts charge varying court fees. Calculating the court charge is not a simple task. According to the Court Fee Act of 1870, Section 7 describes how the court fee is calculated. (Court-fees Act, 1870, § 7) Process and court costs are regularly found to be incorrectly and late paid. Attempting to recover the many from the application wastes a significant amount of time and causes unnecessary delays.

The Suit Evaluation Act, 1887

The Suit Evaluation Act is vital for determining the value of a property. To determine the value of the property, it is necessary to file an action in the competent Court, as prescribed by the instructions hereto. Because various judges have varying jurisdictions. Though the District Judge has unlimited financial jurisdiction, each original jurisdictional matter under Section 15 of the CPC begins with the lowest grade. To file a suit, an applicant must go to the lowest grade Court. (Suit Valuation Act, 1887, § 11; Code of Civil Procedure, 1908, § 89A) If a party files an action without understanding the competent jurisdiction, the petitioner may be refused, wasting valuable time and causing large litigation to become pending. It could be one of the reasons behind the backlog of civil suits.

ADR Mechanism

Under Section 89A, the Court must ask the parties if, As a result, it may shorten the time required to resolve the lawsuit. If both parties agree to resolve the disagreement using the ADR method, the adversarial system will be unnecessary. As a result, long or unnecessary delays may not be faced by the parties, and it may be the most effective strategy to alleviate civil action backlogs. They agree to settle the matter mutually. In 2012, the clause was revised and

The Legal Aid Services Act, 2000

Provides institutional support for litigants who are unable to seek justice because of financial insolvency, destitution, helplessness, or related socio-economic circumstances. The legislation defines legal aid broadly to include legal advice and assistance in cases to be filed, already filed, or pending before a court. It also expressly connects legal aid with mediation and arbitration under the CPC. (Adding the Act) Legal aid is directly relevant to judicial efficiency. A litigant who lacks legal representation may fail to comply with procedural requirements, misunderstand court orders, or become unable to effectively present evidence. Legal assistance can therefore promote both fairness and procedural economy. The institutional significance of the Act is particularly visible in the statutory role of Legal Aid Officers within the mediation framework. The Bangladesh Judiciary also identifies Legal Aid Officers as mediators for relevant ADR proceedings. The doctrinal significance is that access to justice and efficiency should not be treated as competing values. Properly designed legal aid can reduce procedural confusion, encourage settlement, and help courts determine the actual issues in dispute more efficiently. (Siddiq, 2023)

The Role of the Supreme Court Rules in Judicial Administration

The statutory framework operates together with rules governing the functioning of the Supreme Court. The

Supreme Court's official materials demonstrate that judicial administration includes case and list management, case management sections, filing systems, monitoring mechanisms, and subordinate-court oversight. The Supreme Court's materials also expressly state that Article 109 of the Constitution gives the High Court Division superintendence and control over subordinate courts. The Court's jurisdictional information identifies supervision of subordinate courts as a constitutional function and describes case-management-related administrative mechanisms within the judicial system. A draft Judicial Policy prepared by the Supreme Court previously identified delays in case management as among the causes of backlog and proposed operational guidance for judges to manage cases efficiently within the existing legal framework. Although that document is a policy draft rather than legislation, it is doctrinally relevant because it demonstrates institutional recognition that backlog cannot be solved solely by creating additional courts. (Supreme Court of Bangladesh, 2020)

Digitalization and the Emerging Procedural Framework

The statutory framework of civil justice is increasingly supplemented by digital judicial administration. The official Supreme Court website presently contains systems for case filing, case and list management, case management, cause lists, judgments, orders, and other electronic services. Digitalization is legally significant because case management requires reliable information concerning the status, age, nature, and procedural stage of every pending case. A judge cannot effectively control a docket without accurate case information. Electronic filing and digital records can reduce clerical delay, facilitate monitoring, minimize file loss, and permit more rational scheduling. (Rahman, 2026) Nevertheless, digitalization should be regarded as an institutional complement to procedural law, not a substitute for it. Technology can accelerate a defective process just as easily as it can accelerate an efficient one. The legal framework must therefore determine how electronic records, digital notices, confidentiality, authentication, and procedural fairness are to operate.

The Statutory Framework as a Case-Management System

When examined as a whole, Bangladesh's civil justice legislation contains many elements of a case-management system even though the legal framework does not yet operate through one comprehensive consolidated case-management statute. The relevant mechanisms include early pleadings, issue framing, judicial control over proceedings, regulation of adjournments, mediation, specialized procedures, appellate supervision, execution procedures, legal aid, and technological administration. (Hasan & Rupa, 2021) The Bangladesh Judiciary itself recognizes ADR provisions across multiple statutes, demonstrating that settlement and case management have become embedded throughout the civil justice architecture. The problem is therefore less the complete absence of statutory tools than their fragmentation and uneven implementation. A litigant's case may pass through several statutes and institutions, each with different procedural cultures and administrative requirements. This fragmentation can weaken accountability because no single mechanism necessarily provides continuous oversight from filing to execution. This research consequently argues that the next phase of civil justice reform should not consist solely of further isolated amendments. Bangladesh requires an integrated case-management framework capable of connecting the various statutory mechanisms into a coherent system. (Hasan & Rupa, 2021)

International Legal Framework Governing Timely Justice

Universal Declaration of Human Rights (UDHR): Foundation of the Right to Timely Justice

The Universal Declaration of Human Rights (UDHR), 1948 constitutes the foundational international instrument establishing universal principles of justice and judicial protection. Although the Declaration is not legally binding as a treaty, it has acquired significant normative authority and has influenced constitutional systems and subsequent human rights conventions worldwide. Article 8 of the UDHR recognizes that every individual has the right to an effective remedy before competent national tribunals for acts violating fundamental rights guaranteed by law. (Universal Declaration of Human Rights, 1948, art. 8) The concept of an effective remedy necessarily implies that judicial protection must be practical, accessible, and capable of providing relief within a reasonable period. A remedy that is delayed for years may formally exist but loses its effectiveness in protecting legal rights. Article 10 further guarantees that everyone is entitled, in full equality, to a fair and public hearing by an independent and impartial tribunal in the determination of rights and obligations. This provision establishes three interconnected principles relevant to civil justice administration: equality before courts, judicial impartiality, and procedural fairness. (Universal Declaration of Human Rights, 1948, art. 10)These guarantees apply directly to civil disputes concerning property, contracts, inheritance, commercial obligations, and other private rights. From a doctrinal perspective, Articles 8 and 10 collectively establish that access to justice requires both procedural fairness and reasonable expedition. Judicial delay therefore constitutes an obstacle to the realization of internationally recognized human rights because justice becomes inaccessible despite the existence of courts.

International Covenant on Civil and Political Rights (ICCPR): The Right to a Fair Hearing Within a Reasonable Time

The International Covenant on Civil and Political Rights (ICCPR), 1966 is the most authoritative international treaty governing the administration of justice. Bangladesh ratified the ICCPR and therefore bears legal obligations to implement its provisions through domestic law and judicial practice. Article 14(1) provides that all persons shall be equal before courts and tribunals and shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law in the determination of criminal charges and rights and obligations in a suit at law. The explicit inclusion of "rights and obligations in a suit at law" confirms that Article 14

extends beyond criminal justice and applies equally to civil proceedings. (International Covenant on Civil and Political Rights, 1966, art. 14) The Human Rights Committee, through its General Comment on Article 14, has clarified that undue delay in civil proceedings violates the guarantee of a fair hearing where delays cannot be justified by the complexity of the case or the conduct of the parties. The Committee emphasizes that prolonged civil litigation resulting from institutional deficiencies, inadequate judicial resources, or chronic underfunding detracts from the principle of a fair hearing. States therefore have a positive obligation to allocate sufficient resources to the administration of justice and to organize judicial institutions capable of delivering judgments within a reasonable time.

Doctrinal Relevance to Bangladesh

Article 14 strengthens the constitutional interpretation of Articles 27, 31, and 32 by recognizing that fair hearing includes reasonable promptness in civil adjudication. Judicial case management, limitation of adjournments, efficient summons procedures, and digital court administration therefore become mechanisms through which Bangladesh may fulfil its international treaty obligations.

United Nations Basic Principles on the Independence of the Judiciary (1985)

The United Nations Basic Principles on the Independence of the Judiciary (1985) establish internationally accepted standards for judicial independence and judicial administration. These principles recognize that an independent judiciary is indispensable for protecting human rights and ensuring the rule of law. The Basic Principles require States to guarantee judicial independence through constitutional and legislative measures while ensuring adequate judicial resources, proper court administration, and institutional conditions necessary for the effective performance of judicial functions. Judicial independence is therefore inseparable from judicial efficiency because courts cannot administer justice effectively without adequate institutional support. The principles further require that judges decide matters impartially, free from improper influence, while governments provide sufficient financial and administrative resources for the judiciary. In the context of civil justice, inadequate court infrastructure, judicial vacancies, insufficient ministerial staff, and technological limitations are inconsistent with the State's responsibility to facilitate effective judicial administration.

International Covenant on Economic, Social and Cultural Rights (ICESCR): Effective Judicial Protection of Socio-Economic Rights

Although the International Covenant on Economic, Social and Cultural Rights (ICESCR) primarily protects socio-economic rights, its implementation depends substantially upon effective judicial institutions. Many socio-economic rights including housing, land ownership, labour rights, inheritance, education, and social security are enforced through civil litigation. Committee on Economic, Social and Cultural Rights has consistently emphasized that effective remedies are essential for the realization of Covenant rights. (International Covenant on Economic, Social and Cultural Rights, 1966) Where individuals cannot obtain timely judicial decisions concerning land disputes, tenancy rights, family property, or compensation claims, socio-economic rights become practically unenforceable.

Relevance to Bangladesh

Civil courts in Bangladesh frequently adjudicate disputes involving agricultural land, eviction, inheritance, contractual employment, and compensation. Therefore, prolonged civil litigation affects the enjoyment of constitutionally protected socio-economic interests and undermines Bangladesh's international commitments under the ICESCR.

Sustainable Development Goal 16: Peace, Justice and Strong Institutions

The 2030 Agenda for Sustainable Development recognizes access to justice as an essential component of sustainable governance. Sustainable Development Goal (SDG) 16 requires States to promote peaceful and inclusive societies, provide access to justice for all, and build effective, accountable, and inclusive institutions. (United Nations, 2015, SDG 16)

Target 16.3 specifically calls for the promotion of the rule of law and equal access to justice. Efficient civil justice systems are indispensable for achieving this objective because unresolved disputes weaken legal certainty, discourage investment, increase social conflict, and reduce confidence in public institutions. (Annexation the Relevant International Law)

Commonwealth Latimer House Principles: Judicial Independence and Efficient Administration

The Commonwealth Latimer House Principles establish standards governing the relationship among the executive, legislature, and judiciary within Commonwealth constitutional systems. Bangladesh, as a Commonwealth member, is guided by these principles in strengthening democratic governance and judicial institutions. The Principles emphasize that judicial independence must coexist with judicial accountability and efficient administration. Courts should possess adequate institutional capacity, transparent procedures, competent judicial personnel, and sufficient administrative support to deliver justice effectively.

Present Scenario of Backlogs In Civil Suits In Bangladesh

The practical approach

Present Scenario of Bangladesh According to statistics released by the Supreme Court administration in mid-July and information gathered from other sources, 3.7 million civil and criminal cases are pending in the country's high and judicial courts. (Deshrupantari, 2020) There are around 3.2 million criminal and 1.4 million civil cases outstanding in the world's courts. Most of these instances involve land or land-related issues. There are over 1.5 million pending civil cases in high and lower courts. There are 15,533 pending civil cases in the Appellate Division of the Supreme Court. Approximately one million civil lawsuits are pending in the High Court Division.

According to data, there are 1 13 00 pending cases in the civil courts of Dhaka district alone (Deshrupantari, 2020). The majority of lawsuits involve land ownership conflicts. Approximately 97,000 cases are being tried in the Court of the district judge. (Reywaj, 2023)

The number of backlogs in the Supreme Court

Global delays in legal proceedings cause significant economic losses to the world each year. But Bangladesh, a developing nation, is far more affected. The Researcher is concerned to find that approximately 42 lakh cases are pending in courts across the country, including the Appellate and High Court Divisions of the Supreme Court. According to reports, 7,89,179 cases have remained outstanding in district courts for more than five years. This is generating enormous pain for litigants, who have seen their legal fees rise, as well as the stress that comes with long-pending cases. (The Daily Star, 2023)

Because court cases take longer to complete, access to justice is not guaranteed for all social classes in Bangladesh. Poor and disadvantaged people in Bangladesh have limited access to formal justice and legal entitlements in the courts due to a massive backlog of cases, lengthy case processing times, and expensive litigation. As of December 31, 2016, there were 3,156,878

Pending cases throughout all courts in Bangladesh. (Hossain, 2012) As of December 2019, the Supreme Court of Bangladesh reported a significant case backlog of 36, 84,728 cases across all courts in the country. (Hossain, 2012) According to the Statistic Report, the Supreme Court of Bangladesh has a total of 5, 12,685 case backlogs, with 4, 89,068 under the High Court Division and 23,617 under the Appellate Division. (Hossain, 2012) The rest, 31, 72,043, are under subordinate courts.18 If the backlog continues at its current rate, the case backlog might reach 5 million by 2020. As of December 31, 2020, there were 39, 33,186 pending cases across the country, including 34,64,998 with subordinate courts, 4,52,963 with the High Court Division, and 15,225 with the Appellate Division. (Chowdhury, 2018)

The cases pending in lower courts

In 2000 and 2010, there were 4, 75,753 (civil) and 9, 75,760 (civil) pending cases in Bangladesh's subordinate courts. (Nazrul et al., 2011)Over the past ten years, the country has experienced a significant increase in total case backlogs, including civil cases. Between 2000 and 2010, there were 5, 00, 07 outstanding cases. From 2011 to 2020, the number climbed by 24, 89,238 cases. The number of pending cases has increased by a fifth in the last 10 years compared to the previous decade. The truth is alarming and suggests a bleak future for Bangladesh's legal system. Earlier figures in the original manuscript including totals for 2016, 2019 and 2020, and figures reported by newspapers or secondary commentary are retained only where their original source and reporting date can be identified. They should not be presented as current 2026 statistics or combined into a single trend without consistent definitions and court coverage. The previous draft's conflicting totals and unclear court-level breakdowns have been removed from the current analysis pending source verification. The article's discussion of delay in service of summons, applications and adjournments draws on the cited literature and case narratives. These materials suggest plausible procedural bottlenecks, but, in the absence of a representative file review or field study, they are presented as reported practices and analytical concerns—not as independently verified descriptions of every court or process server.

Delay in civil suit due to summon procedure

Summon service is often delayed since parties' processes are not forwarded to the Nazir for service on time. In practice, summons and plaint are not always filed together. The sluggish service of summons is compounded by the parties' intents, showing bad court administration. Parties' filed processes are not quickly forwarded to the Nazir for action. Additionally, process service returns are not sent to the Sheresta of individual courts from Nazirat in a timely manner. (Alam, 2016) The process-server holds the most power in the current system but is not held Judicial Delay as a Rule of Law Challenge:accountable for late service of summons. As a result of avoiding labour, summons are frequently returned with fake endorsements such as 'party not found' or 'address not known'. (Haider, 2019)

Responsibility for miscellaneous cases in creating backlogs

Frequent revisions to plants and written declarations during trials might cause delays in civil proceedings. The lack of accountability between lawyers and clients allows them to conduct cases to their own best advantage, even if it means delaying the process. The Court can change pleadings at any point of the proceedings, as per Order 16, Rule 17. Amendments to pleadings are typically permitted to clarify the underlying issue between parties. Some cases may require changes. However, there is no time limit for seeking factual modifications once pleadings have been filed. (Shahin & Yeasmin, 2018) When a party files a petition for adjournment on the date of ex-parte disposal, the Court rejects it, and a series of miscellaneous appeals ensue, causing a standstill. The appellate courts then set aside the ex-parte order, interpreting it liberally to give the opposing party a chance to contest the original suit, which takes a long time to resolve. Orders granting or refusing temporary injunctions are followed by miscellaneous appeals that block the resolution of civil lawsuits since the higher Court takes a long time to handle these appeals.

Responsibility of time petition

Our procedural legislation allows for the chronological advancement of cases but does not require a date for each phase. The absence of compulsion will enable parties to return a case to the primary stage after reaching a peremptory hearing, even if there is no acceptable justification. Bangladesh enforces an adversary trial system, which is now popular. This approach protects the defendant's entitlement to self-defense while also informing them of the charges brought against them. This procedure requires both the party complaining and the litigant to go through interrogations. The system has inherent weaknesses due to the traditional function of judges. As a result, case disposal is delayed and costly. It has been noted that the defendant only receives a copy of the plaint and no copies of the supporting documentation when the summons is ordered to be served upon him.

(Supreme Court of Bangladesh, 2025)As a result, the defendant showed up in response to the summons and requested a postponement of the deadline for submitting his written statement. He cites the need to examine the documents and other points raised by the
Plaintiff in his plaint as justification for this, which typically results in an excessively long delay in the resolution of the case. The case is postponed, and the defendant's attorney begs for more time to submit a written statement on several grounds on the next dates. The motion for an extension of time is made repeatedly until the judge personally intervenes and shows concern, which delays the case.

Relevant suits

Dilip Sardar and others vs Arun Sarder and others Civil Suit no: 1864 of 2008

It was a suit for partition. It took 14 years to resolve the issue due to the complexity of presenting the case, the huge number of parties, the absence of vigilance of parties, unlimited prayers for time, and intentional delay by the parties and their Pleaders. (Administrative Branch, Khulna District Judge Court, n.d.)

Yogesh Mondol and others vs Sabuj Mondol and others Civil Suit No: Civil 05 of 201

It was a suit for declaration of title. It is disposed of on August 14, 2022. It took 12 years for disposal due to the absence of vigilance of parties, unlimited prayers for time, and intentional delay by the parties. The suit was once dismissed, and in response, a miscellaneous case was filed. The miscellaneous case took 2 years to be resolved, and the original suit was revived. Moreover, summons and notices were not served at the time fixed. (Administrative Branch, Khulna District Judge Court, n.d.)

Khalek Ali and others vs Khorshed Alam and others Civil suit no: 68 of 2002

It was a suit for cancellation of a decree. It took 20 years for disposal. Miscellaneous case were filed thrice in this suit. Intentional dilatory tactics by the parties and their pleaders caused the consumption of this huge time. The parties were not vigilant at all. (Administrative Branch, Khulna District Judge Court, n.d.)

Asirunnessa Vs Abdul Goni Civil Suit no: 397 of 58

Asirunnessa filed a Batwara litigation (No. 397/58) in the Munsef Court pertaining to a land dispute in the Goainghat neighborhood of Sylhet 62 years ago, on December 18, 1958. On August 23, 1962, the trial court issued the first decision in favour of the plaintiff. In the same year, defendant Abdul Ali appealed this verdict to the relevant district judge court. At the conclusion of the hearing, the judge amended the original verdict and found in favour of the plaintiff. The defendant filed a second appeal against this verdict with the High Court in 1970. The High Court substantially modified the lower Court's ruling and found in favour of the plaintiff, Asirunnessa, on February 8, 1989. In 2000, the defendant protested the report and appealed to the district court, but on August 14, 2001, the appeal was dismissed. In 2001, the defendant filed a petition for civil revision against this order with the High Court. On December 6, 2015, the High Court ordered the appointment of a new advocate commissioner and voided all judicial court judgments. Later, when the plaintiff filed a civil leave to appeal against the 2016 High Court verdict with the Appellate Division, the Appellate Division approved the leave to appeal on October 8, 2017, and permitted a normal appeal. According to the attorneys involved in this matter, the Supreme Court is now conducting hearings. The plaintiff Asirunnessa passed away without seeing the ultimate settlement of her case 19 years ago. Now, the plaintiff's daughter, Hamida Khatun (70), is in Court to witness the conclusion of the case. The first defendant, Abdul Jalil, passed away a long time ago. He was similarly unable to predict the outcome of the case. (Administrative Branch, Khulna District Judge Court, n.d.)

Ejaher Mia Vs Fazlur Rahman Civil Suit no: 195 0f 1974

In this case, the lady who inherited the suit, which ended after 43 years, Shahar Banu. According to this woman, the lawyer's cost, timely collection of copies of various documents, transportation and accessories have already cost more than 70 lakh takas while running the suit. (Rokon, 2017)

Enamul Haque and others vs Nazrul Islam Khan Civil Suit no: 26 of 2010

In this case, Enamul Haque and his brother filed a suit on the basis of CS and SA records. A local person named Nazrul Islam came to contest the suit on behalf of the defendant. 41 working days have passed but the defended had not responded. The opponent lawyer kept Time petition repeatedly and lastly created the situation of miscellaneous suit.

Causes of Civil Suit Backlogs in Bangladesh:A Legal Analysis

The persistent backlog of civil suits has become one of the most significant institutional challenges confronting the civil justice system of Bangladesh. Despite constitutional guarantees of equality before law and protection of law, millions of litigants continue to experience prolonged delays in obtaining judicial remedies. The effectiveness of the judiciary depends not only on the correctness of judicial decisions but also on the timely disposal of disputes. When civil litigation remains pending for years or decades, the judicial process ceases to function as an effective mechanism for protecting legal rights and instead becomes a source of uncertainty, economic loss, and diminished public confidence. (Karim, 2016) Parliamentary information indicates that more than 16.9 lakh civil cases are pending in the subordinate courts of Bangladesh, making civil litigation one of the largest contributors to the country's judicial backlog. From a doctrinal perspective, the causes of civil suit backlogs are multidimensional. They arise from procedural provisions of the Code of Civil Procedure, 1908 (CPC), institutional deficiencies within the subordinate judiciary, administrative weaknesses, technological limitations, and litigation practices that encourage unnecessary delay. Although the CPC has undergone numerous amendments since independence, including significant reforms in 2003, 2025, and 2026 aimed at promoting mediation, affidavit-based pleadings, electronic summons, and streamlined execution proceedings, the implementation of these

reforms remains inconsistent across the judicial system. (Rahman, 2026)

Procedural Complexity under the Code of Civil Procedure, 1908

The Code of Civil Procedure, 1908 is the principal legislation regulating civil litigation in Bangladesh. While the CPC was enacted to ensure orderly adjudication of civil disputes, its procedural structure has become one of the major contributors to prolonged litigation because a civil suit progresses through numerous mandatory stages before reaching final judgment and execution. These stages include institution of the suit, issuance of summons, filing of written statements, framing of issues, discovery, evidence, judgment, appeal, and execution. Each procedural stage creates opportunities for delay where parties fail to comply with statutory requirements or courts are unable to supervise proceedings effectively. (Shahin & Yeasmin, 2018)A significant characteristic of the CPC is its emphasis on procedural compliance. Although procedural safeguards protect fairness and due process, excessive procedural formalities often enable litigants to prolong litigation through technical objections, amendment applications, interlocutory petitions, and repeated procedural challenges. Consequently, procedural law intended to facilitate justice sometimes becomes an instrument for delaying justice.The Supreme Court has repeatedly emphasized that procedural law should serve the ends of justice rather than frustrate substantive rights. (Shahin & Yeasmin, 2018)Nevertheless, subordinate courts frequently encounter procedural disputes that consume substantial judicial time before the merits of a civil claim are even examined. Recent amendments to the CPC introduced affidavit-based pleadings, electronic communication of summons, and direct cross-examination to reduce procedural delay, demonstrating legislative recognition that traditional procedures required modernization.

Delay in Service of Summons: Order V of the Code of Civil Procedure

One of the earliest and most significant causes of delay in civil litigation is the ineffective service of summons under Order V of the Code of Civil Procedure. Service of summons performs a fundamental procedural function because no civil suit can progress until the defendant receives lawful notice of the proceedings. However, in Bangladesh, defective, delayed, or unsuccessful service of summons frequently postpones litigation for several months or even years. The traditional summons procedure depends heavily upon manual delivery through process servers, postal communication, or local administrative authorities. In many instances, incorrect addresses, deliberate avoidance by defendants, insufficient verification of addresses, or negligence in process serving results in repeated issuance of summons. Courts often adjourn proceedings repeatedly while awaiting service reports, thereby increasing the duration of litigation before substantive adjudication begins. (Moula & Mim, 2023)The 2025 and 2026 amendments introduced important reforms allowing summons to be served through SMS, voice calls, electronic communication, and National Identity verification, thereby reducing dependence upon manual procedures and expediting notification of defendants. These reforms seek to modernize the commencement stage of litigation and minimize one of the most persistent procedural bottlenecks within civil courts.

Abuse of Pleadings and Amendments: Orders VI–VIII CPC

The pleading stage determines the scope of civil litigation by identifying disputed questions of fact and law. Orders VI, VII, and VIII regulate pleadings, presentation of plaints, written statements, set-offs, and counterclaims. While these provisions promote procedural fairness, abuse of amendment procedures has become a significant source of judicial delay. Litigants frequently file applications for amendment of plaints or written statements at advanced stages of litigation, thereby reopening previously settled issues and requiring additional evidence or hearings. Courts must carefully balance the objective of determining the real controversy with preventing unnecessary procedural abuse. The High Court Division has emphasized that amendment should be permitted only where it is necessary for determining the real issue in controversy and where the applicant demonstrates due diligence. In a recent revisional decision concerning amendment of pleadings after more than two decades of litigation, the Court refused the amendment because the applicant failed to justify an inordinate delay of twenty-one years. (Taher & Jamaluddin, 2022) The Court reaffirmed that amendment cannot be used to prolong litigation or introduce collateral issues unrelated to the substantive controversy. The pleading stage determines the scope of civil litigation by identifying disputed questions of fact and law. Orders VI, VII, and VIII regulate pleadings, presentation of plaints, written statements, set-offs, and counterclaims. While these provisions promote procedural fairness, abuse of amendment procedures has become a significant source of judicial delay. Litigants frequently file applications for amendment of plaints or written statements at advanced stages of litigation, thereby reopening previously settled issues and requiring additional evidence or hearings. Courts must carefully balance the objective of determining the real controversy with preventing unnecessary procedural abuse. The High Court Division has emphasized that amendment should be permitted only where it is necessary for determining the real issue in controversy and where the applicant demonstrates due diligence. In a recent revisional decision concerning amendment of pleadings after more than two decades of litigation, the Court refused the amendment because the applicant failed to justify an inordinate delay of twenty-one years. The Court reaffirmed that amendment cannot be used to prolong litigation or introduce collateral issues unrelated to the substantive controversy.

Excessive Adjournments under Order XVII CPC

Repeated adjournments constitute one of the most widely recognized causes of civil suit backlog in Bangladesh. Order XVII CPC authorizes courts to adjourn proceedings where sufficient cause exists. The legislative intention behind this provision is to ensure fairness where genuine circumstances prevent continuation of proceedings. However, in practice, adjournments have become routine rather than exceptional. Common grounds for adjournment

include absence of lawyers, absence of witnesses, incomplete summons, illness of parties, pending interlocutory applications, transfer petitions, and requests for additional preparation time. Courts frequently grant multiple adjournments without imposing meaningful procedural costs, allowing parties to prolong litigation strategically. Recognizing this problem, recent amendments reduced the permissible number of adjournments and increased compensatory costs for unnecessary delay. The amendment also strengthened judicial discretion to discourage repeated postponements and encourage continuous trial proceedings.

Delay in Execution of Decrees: Order XXI CPC

Execution proceedings represent one of the weakest stages of Bangladesh's civil justice system. A successful litigant frequently waits years after obtaining judgment before receiving practical relief because decree execution requires separate procedural applications and multiple enforcement stages. Order XXI CPC regulates execution of decrees involving property attachment, arrest, delivery of possession, and sale of property. Execution frequently becomes a second round of litigation because judgment-debtors challenge execution through procedural objections and collateral proceedings. Recognizing these difficulties, the recent CPC amendments permit execution applications to be filed within the original suit instead of initiating separate proceedings. The reforms also strengthen judicial powers regarding decree enforcement and simplify execution procedures. (Taher & Jamaluddin, 2022)

Weak Court Administration and Registry Management

Efficient judicial administration depends not only upon judges but also upon administrative systems managing civil litigation. Registry officials perform crucial functions relating to filing, record maintenance, summons issuance, scheduling, and decree preparation. Administrative inefficiency therefore directly contributes to judicial delay.The Supreme Court has observed that many procedural stages continue to depend heavily upon manual administrative practices and ministerial staff, resulting in inefficient case-flow management and prolonged litigation. (Adding more theory)

Concluding Remarks

Findings

The materials reviewed indicate that summons and notice, repeated adjournment applications, pleadings and amendment practice, miscellaneous proceedings, registry administration and execution may each interrupt the progression of civil suits. The CPC contains safeguards and judicial discretion at these stages; the issue is not that every procedural step is defective, but that fragmented administration and weak monitoring may allow avoidable delay. The available sources do not establish the prevalence or causal weight of each factor across Bangladesh.

The procedural framework contains multiple tools relevant to case management, including judicial control of proceedings, costs, mediation and execution. The literature and institutional materials reviewed suggest that coordination, implementation and administrative capacity deserve as much attention as further statutory amendment. This is a doctrinal assessment, not a finding that the CPC alone causes backlog.

Adjournments can be necessary to protect fairness, but repeated or inadequately justified adjournments may prolong proceedings. A case-management approach should require recorded reasons, consider prejudice and proportionality, and apply costs or other lawful consequences where appropriate.

The CPC dates from 1908 and has been amended over time. Its age alone does not prove that it is unsuitable; the relevant question is whether its current provisions and implementation respond adequately to contemporary caseloads, technology and procedural needs. Modernization should therefore be evidence-led and consistent with fair-trial guarantees.

Service of summons is an early procedural dependency. The cited sources describe delayed forwarding, incomplete addresses, unsuccessful service and inadequate tracking as potential causes of delay. These observations warrant better recordkeeping and service monitoring, but their frequency requires systematic verification.

Applications to set aside ex parte orders or restore proceedings serve an important fairness function. Delay may arise where applications are repeatedly filed or disposed of without effective scheduling. Any reform should distinguish genuine denial of notice or sufficient cause from tactical applications and should preserve judicial discretion under the CPC.

Separate proceedings may sometimes arise from a single dispute because of jurisdictional, procedural or substantive requirements. The article cannot conclude that the CPC's philosophy necessarily creates multiple suits; instead, it recommends examining consolidation, related-case identification and appropriate case coordination where legally permissible.

The reviewed materials point to a need for stronger and more consistent case management, but do not quantify its current extent in all civil courts. The reform proposal is to establish continuous docket oversight, supported by reliable data and adequate administrative resources.

The literature reports concerns about professional or party conduct that may prolong litigation. The article does not make a generalized allegation against advocates or litigants. Accountability should be based on documented conduct, procedural rules and fair opportunities to respond, while mediation or advice should be encouraged only where appropriate and without compromising access to adjudication.

Multiple procedural stages can lengthen a suit, particularly where no actor monitors its progression as a whole. The central recommendation is to coordinate existing procedures rather than assume that eliminating safeguards would produce fair or sustainable efficiency.

Recommendations

Reform should focus on predictable, proportionate case management. Courts should set realistic procedural schedules, record reasons for adjournments, identify the issues early, monitor summons and compliance, and use lawful costs or sanctions against proven abuse. These measures must not restrict legitimate applications or a party's right to be heard.

Improve electronic preparation, dispatch and tracking of summons, while retaining legally valid alternatives for parties without reliable digital access. Enforcement of decrees should be strengthened through trained staff, clear workflows and judicial oversight. Any coercive attendance or enforcement measure must have a specific legal basis and comply with due process.

Judicial case management should be treated as a regular component of judicial administration, supported by training, administrative staff, transparent performance information and adequate resources. It should not be framed as a new constitutional power unless a specific constitutional or statutory provision supports that claim.

Review the handling of restoration and miscellaneous applications to reduce avoidable repetition. Rules should promote prompt listing, reasoned decisions and proportionate costs for abuse, while preserving statutory remedies and the court's ability to correct genuine procedural injustice. A blanket bar on repeat applications or automatic refusal to reopen a case would risk unfairness and should not be adopted without a clear legal basis.

Provide process servers and registry staff with adequate remuneration, training, supervision and workload support. Accountability should accompany resources and should be based on verifiable service records rather than assumptions of negligence.

Develop reliable methods of locating and serving defendants, including verified address information and lawful electronic service where authorized. The court should retain control over substituted service and coercive measures, and the plaintiff should not be permitted to bypass statutory notice requirements.

Apply the current summons provisions and applicable amendments consistently, with monitoring of service dates, return reports and reasons for failed service.

A district-level case-management review mechanism may periodically collect and analyse docket information for administrative planning and identify systemic bottlenecks. Its mandate, reporting line and safeguards should be established by the competent authority under existing law. Article 104 should not be cited as a general constitutional source for routine subordinate-court case management; Article 109 is the relevant provision on High Court Division superintendence and control.

Restoration and miscellaneous applications should be managed through prompt hearings and reasoned orders. Reform should address repeated abusive applications without extinguishing legitimate remedies or overriding the CPC.

Where legally permissible, courts should identify related proceedings early and consider consolidation, coordinated scheduling or other mechanisms that reduce duplication without prejudicing parties or jurisdictional rules.

Service of Summons Remains an Important Procedural Bottleneck

Provide adequate courtrooms, judges, computers, secure internet, trained stenographers, registry personnel and process servers. Infrastructure and staffing decisions should be informed by transparent workload and case-age data.

Courts should discourage repeated time petitions through reasoned scheduling and lawful consequences for unjustified delay, while allowing adjournments where fairness, illness, notice or other sufficient cause requires them.

Modernize evidence management through secure digital records, clear filing protocols and timely access for both parties. Technology should preserve authenticity, confidentiality, accessibility and the right to challenge evidence.

Professional ethics and active participation should be promoted through continuing legal education, clear expectations and fair disciplinary processes. Allegations of misconduct should be assessed individually and supported by evidence.

Conclusions

Bangladesh's civil justice system is often ineffective and inadequate. It takes too long for issues to be resolved. Many litigants find it perplexing as well. This article has examined civil-suit delay in Bangladesh through a qualitative doctrinal socio-legal analysis of procedural rules, constitutional provisions, secondary literature, public statistics and selected case narratives. The review report identifies a 31 March 2026 snapshot of 46,39,476 pending cases nationally, including 18,13,263 civil cases, and 40,78,432 pending cases in lower courts, including 16,90,443 civil cases. A sustainable response should combine consistent application of existing procedural powers, continuous case tracking, reasoned control of adjournments, reliable summons service, accessible mediation, effective execution, trained staff and adequate resources. Reforms must reduce avoidable delay without sacrificing notice, impartiality or the right to be heard. Before publication, the authors should verify all current statutory citations and commencement dates against the official Gazette, and replace incomplete or secondary statistical references with exact parliamentary or judicial sources. Above all, its organisational structure is extremely aggressive and fragmented, with no one clearly in charge of managing the administration of civil justice and adversarial proceedings. The research looked into the factors for civil suit delays in Bangladesh. After gathering and evaluating the data, the Researcher discovered that both judges and advocates are accountable for civil suit delays. Furthermore, the study discovered that the requirements of the Code of Civil Procedure are extremely flexible. Because both sides have a significant opportunity to influence the outcome of the lawsuit. Actually, the concept of the rules of civil procedure itself generates multiple suits from a single case. Aside from this, insufficient courtrooms, building internet and computer facilities, lack of thorough investigation of the lower Court, a small number of judges rather than large suits, and the inclination of the affected parties to not respect the law are all responsible. Though the summons laws have been revised in the CPC, they have yet to be fully and efficiently implemented in the Court of Bangladesh. The Code of Civil Procedure makes no provision for the number of times a miscellaneous suit can be accepted. The impacted parties have only recently paid their lawyers for the hearing date but have yet to get the results. As a result, people are losing their rights and trust in the court system. To shorten the delay in the civil suit, all respondents should

be cooperative, supportive, and helpful, as well as fully adhere to the law.

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Conflict of Interest
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