

Sr. No.	Recommendation	Response (Yes/No/NA)	Supporting Materials
333	Allow pre-trial conferences as part of case management techniques	Yes	
<p>After the coming into force of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act 2015, Order XV-A has been inserted in the First Schedule to the Code of Civil Procedure to provide for holding of Case Management Meeting/s by Courts, which is like pre-trial conference, as all the parties are duty bound to remain present themselves and explore possibilities of settlement of dispute. These provisions are being followed by the commercial courts in the Gujarat state.</p>			

“ORDER XV-A

CASE MANAGEMENT HEARING

1. The Court shall hold the first Case Management Hearing, not later than four weeks from the date of filing of affidavit of admission or denial of documents by all parties to the suit.
2. In a Case Management Hearing, after hearing the parties, and once it finds that there are issues of fact and law which require to be tried, the Court may pass an order—
 - (a) framing the issues between the parties in accordance with Order XIV of the Code of Civil Procedure, 1908 after examining pleadings, documents and documents produced before it, and on examination conducted by the Court under Rule 2 of Order X, if required;
 - (b) listing witnesses to be examined by the parties;
 - (c) fixing the date by which affidavit of evidence to be filed by parties;
 - (d) fixing the date on which evidence of the witnesses of the parties to be recorded;
 - (e) fixing the date by which written arguments are to be filed before the Court by the parties;
 - (f) fixing the date on which oral arguments are to be heard by the Court; and
 - (g) setting time limits for parties and their advocates to address oral arguments.
3. In fixing dates or setting time limits for the purposes of Rule 2 of this Order, the Court shall ensure that the arguments are closed not later than six months from the date of the first Case Management Hearing.
4. The Court shall, as far as possible, ensure that the recording of evidence shall be carried on, on a day-to-day basis until the cross-examination of all the witnesses is complete.
5. The Court may, if necessary, also hold Case Management Hearings anytime during the trial to issue appropriate orders so as to ensure adherence by the parties to the dates fixed under Rule 2 and facilitate speedy disposal of the suit.
6. (1) In any Case Management Hearing held under this Order, the Court shall have the power to—
 - (a) prior to the framing of issues, hear and decide any pending application filed by the parties under Order XIII-A;
 - (b) direct parties to file compilations of documents or pleadings relevant and necessary for framing issues;
 - (c) extend or shorten the time for compliance with any practice, direction or Court order if it finds sufficient reason to do so;
 - (d) adjourn or bring forward a hearing if it finds sufficient reason to do so;
 - (e) direct a party to attend the Court for the purposes of examination under Rule 2 of Order X;
 - (f) consolidate proceedings;
 - (g) strike off the name of any witness or evidence that it deems irrelevant to the issues framed;
 - (h) direct a separate trial of any issue;
 - (i) decide the order in which issues are to be tried;
 - (j) exclude an issue from consideration;
 - (k) dismiss or give judgment on a claim after a decision on a preliminary issue;
 - (l) direct that evidence be recorded by a Commission where necessary in accordance with Order XXVI;
 - (m) reject any affidavit of evidence filed by the parties for containing irrelevant, inadmissible or argumentative material;
 - (n) strike off any parts of the affidavit of evidence filed by the

parties containing irrelevant, inadmissible or argumentative material;

(o) delegate the recording of evidence to such authority appointed by the Court for this purpose;

(p) pass any order relating to the monitoring of recording the evidence by a commission or any other authority;

(q) order any party to file and exchange a costs budget;

(r) issue directions or pass any order for the purpose of managing the case and furthering the overriding objective of ensuring the efficient disposal of the suit.

(2) When the Court passes an order in exercise of its powers under this Order, it may—

(a) make it subject to conditions, including a condition to pay a sum of money into Court; and

(b) specify the consequence of failure to comply with the order or a condition.

(3) While fixing the date for a Case Management Hearing, the Court may direct that the parties also be present for such Case Management Hearing, if it is of the view that there is a possibility of settlement between the parties.

7. (1) The Court shall not adjourn the Case Management Hearing for the sole reason that the advocate appearing on behalf of a party is not present:

Provided that an adjournment of the hearing is sought in advance by moving an application, the Court may adjourn the hearing to another date upon the payment of such costs as the Court deems fit, by the party moving such application.

(2) Notwithstanding anything contained in this Rule, if the Court is satisfied that there is a justified reason for the absence of the advocate, it may adjourn the hearing to another date upon such terms and conditions it deems fit.

8. Where any party fails to comply with the order of the Court passed in a Case Management Hearing, the Court shall have the power to—

(a) condone such non-compliance by payment of costs to the Court;

(b) foreclose the non-compliant party's right to file affidavits, conduct cross-examination of witnesses, file written submissions, address oral arguments or make further arguments in the trial, as the case may be, or

(c) dismiss the plaint or allow the suit where such non-compliance is wilful, repeated and the imposition of costs is not adequate to ensure compliance.”.