



REVIEW, REFERENCE, REVISION AND EXECUTION: THE QUATERNITY OF CODE OF CIVIL PROCEDURE AND THEIR BASICS

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This paper primarily focuses on the provisions of Review, Reference, Revision and Execution. **'Review'** being a formal assessment of something with the intention of the act of looking or to offer something again with a view to correction or change if necessary. With judicial point of view review means re-examination and re-consideration. Being **'Reference'** is covered under section 113 of the CPC which states that when the subordinate court in order to take assistance refers the case to the High Court, it is called as the reference. ensuring the validity of a legal provision and to interpret them.

And includes **'Revision'** is **'to revise'** which means to look again or to go through matter carefully and correct wherever necessary. The main aim of revision is to prevent the subordinate court from doing any arbitrary activity or irregularity or illegal use of jurisdiction. It powers the High Court to watch proceedings of a subordinate court as law relevant over their jurisdiction. And allows the HC to correct the jurisdictional errors done by the subordinate court. i.e. the HC has visitorial power for superintending.

Followed by **'Execution'** providing the mode through which a decree holder obstructs his judgment-debtor to perform the command given in the decree according to the case. It gives powers to the decree holder to recapture

the products of the decree/order as per the Order 21 of the Code.

Here, well discuss all the relevant understandings of the above-mentioned terms.

INTRODUCTION

This paper primarily focuses on the provisions of Review, Reference, Revision and Execution.

The first part deals with the Review. The dictionary meaning of the word **'Review'** is a formal assessment of something with the intention of the act of looking or to offer something again with a view to correction or change if necessary. With judicial point of view review means re-examination and re-consideration. The right to Review as per CPC is given as a remedy to be solved for some specific conditions. The aim of review is to correct any sort of mistake or error in the court's decision. The limitation and conditions of review is specified in **Or. 47 of CPC**. Review under section 114 of civil procedure code is the substantive rights/powers for review by the court which is mentioned in this section.

The second part deals with the **'Reference'**. It is covered under **Section 113** of the CPC which states that when the subordinate court in order to take assistance refers the case to the High Court, it is called as the reference. The main aim of reference is enabling the subordinate court to get/obtain opinion from the High Court in non-appealable cases if there is absence of question of law and avoid the error commission which cannot to ratified further. It ensures the validity of a legal provision and to interpret them. Reference is always made to the High Court; hence it is required to be passed before passing of a judgement.



The third part deals with the **Revision**. The literal meaning of the word '**Revision**' is '**to revise**' which means to look again or to go through a matter carefully and correct wherever necessary. Revision is covered under **Section 115** of this code. The main aim of revision is to prevent the subordinate court from doing any arbitrary activity or irregularity or illegal use of jurisdiction. It powers the High Court to watch proceedings of a subordinate court as law relevant over their jurisdiction. And allows the HC to correct the jurisdictional errors done by the subordinate court. i.e. the HC has visitatorial power for superintending.

Quarterly followed by '**Execution**' providing the mode through which a decree-holder obstructs his judgment-debtor to perform the command given in the decree according to the case. It gives powers to the decree-holder to recapture the products of the decree/order as per the **Order 21** of the Code.

REVIEW AS PER THE CODE

Review is defined under section 114 of this code. According to **Section 114**, Review is made by any person who is aggrieved from by a courts order or decree as per this code where an appeal is allowed but the appeal has not been preferred or by an order or a decree from which one appeal can be made or through a decision on reference from a court of small cause and such person can apply for review in the same court which has passed the decree or made such order and as the court thinks fit make such orders. Basically, review is studying the case again or to examine it against the facts and judgement of such case. Review is a substantial power of the court.

Review of an order once passed by the court is a serious step and it cannot be taken lightly, hence this power requires to be applied with great care and seriousness. The Latin term "**Functus Officio**" is an exception to this right to review judgement and is used in relation to the court which states that 'once the court passed any judgement after the lawful hearing, then the case cannot reopen and the judgement is binding on the parties. So, on the application of an aggrieved party or person, the proceeding for review of judgement can be initiated here. The main object behind this provision or procedure of review has been embedded in the legal system to correct the mistakes and to prevent any miscarriage of justice as any human being can make a mistake or error and so do the judges which was held in the case of **S. Nagraj vs. State of Karnataka**.¹

Grounds of Review

There are certain grounds laid down under **Rule 1 of Order 47** on which an application made for the review of a judgement is maintainable which are as follows:

- Any other sufficient grounds which is analogous to those specified in these rules. This ground for review is any sufficient reason and it could be any reason which the court feels sufficient to review its judgement in order to avoid a miscarriage of justice, then any sufficient ground considered for review by the court comes under this ground.
- Courts misconception and when the mistakes or errors are apparent on the face of records is also a sufficient ground of review of a judgement.

Power of review is available only when there is an error apparent on the face of the record

¹ 1993 Supp (4) SCC 595



and not on the erroneous decision. An error apparent on the face of the record, can't be defined precisely and it has to be decided judicially on the facts of each case.

- When new and important evidence is discovered by the applicant and such applicant was not in knowledge or due to negligence not able to provide the evidence when the decree was passed.

There are certain rules on which application of review can be made. As **Rule 2 of order 47**, states to whom applications of review may be made. Where a decree is passed by a High Court Judge, the court decide the application for review of the judgment may be made to that Judge or to his successor-in-office, on any of the grounds on which review application can be made or where a decree is passed by a Judge other than a High Court Judge, the application for review may be made to the Judge, who delivered the judgment or to this successor-in-office provided the review is sought on the ground of discovery of new and important matter of evidence or mistake or error apparent on the face of the decree. Further **Rule 3** states about form of applications for review and **Rule 4**, states about the applications where rejected. An application for review can get rejected when the court does not find any sufficient ground to entertain the review and an application for review can be granted, the court where thinks that the application for review should be granted, it shall grant the same. **Rule 5 of order 47**, states, the same judge who gave the previous decree or order is much ideal to review a judgement as he can examine it in a more effective and better way than any other. Except in cases when such judge is absent for 6 months or more form the filling of review application date. In case of review where there are two or more judges,

the decision of majority is considered. **Rule 6** consists of grounds when the application of review can be rejected which are specified in this rule. It says when the court finds that there is no discovery of new facts or any sort of error or any sufficient ground as per the Rule 1 or if it is filled after the prescribed period of time's expiry and without a reasonable cause or if it is already reviewed, no further reviews can be made or if applicant doesn't appear on the fixed date of review and doesn't give a sufficient cause of his non-appearance. **Rule 7** says, rejection of a review application's order by a court is not appealable. Hence the party which files such application on rejection of if it can't appeal for such rejection. But the accepted application is appealable. But in cases where application is rejected if applicant doesn't appear on the fixed date of review, then applicant can apply for its restoration and court can accept it if sufficient grounds are given. The opposite party is required to be noticed with the review application status. Where **Rule 8** says, when the application for review judgment is accepted by the court, the court proceeds to rehear the case. And the result of review will be binging on both the parties. Further **Rule 9** says, no reviews can be made over any judgement which was previously reviewed.

The Powers of Review

The power of review is to correct the mistake apparent on the face of record and does not mean error which has to be searched and fished out. The words "any other sufficient reason" mean a reason sufficient on ground which is analogous to those specified in the rules. The power to review judgement is not an inherent power, it must be conferred by law either specifically or by necessary implication. Section 114 and this Code



expressly give a right of review in certain cases. The section of the Code is a substantive provision, and this order provides the details of procedure. Inherent power to review vests in Courts only. A Government or an Officer of the Government has no inherent power to review its or his orders. The power of review under Order XLVII rule 1 of the Code of Civil Procedure 1908, is very limited and it may be exercised if there is a mistake or an error apparent on the fact of the record. The power of review is not to be confused with the appellate power. The review application cannot be decided like a regular intra court appeal. A power of review is not to be confused with appellate power which may enable an Appellate Court to correct all kinds of errors committed by the subordinate Court. Whereas, the power of review may be exercised on the discovery of new and important matter or evidence which the person seeking review could not know and which could not be produced before the order was made. It cannot be exercised on the ground that the decision was erroneous on merits. The power of review is to be exercised with extreme care, caution and circumspection only in exceptional cases.

Jurisdiction of Review

The jurisdiction of review court is limited to examining as to whether the order sought to be reviewed contains any apparent error within the meaning of O XLVII, rule 1 or not? If it contains, then the order has to be recalled but if the order does not contain any error then the court has to simply dismiss the review petition and in turn uphold the order. The limitation period for filing an application for review as given under Article 124 of the **Limitation Act, 1963** is thirty days for a court other than the Supreme Court from the date of decree or order.

REFERENCE AS PER THE CODE

‘Reference’ is given under section 113 of the Code of Civil Procedure and order 46 of the CPC tells about the procedure of reference and its conditions. Reference is basically the situation when the subordinate court refers a case to the High Court regarding the question of law for their opinion in the matter. It is made to the HC where the subordinate court has doubt between a suits appeal execution proceeding etc. Reference is made in a pending suit and it is always made to the High Court. The ground for reference is the recreation of some reasonable doubt by the Court trying the suit, appeal or executing the decree with regard to a question of law or usage having the force of law.

Conditions for Reference

Reference can be made only in a suit, appeal or an execution proceeding which is pending before the court. Order 46 Rule 1 of the Code of Civil Procedure stipulates to fulfill certain conditions for obtaining a reference from the High Court. As per Or. 46 R. 1, the conditions to entertain a Reference by the HC from a Subordinate Court which are essential to be fulfilled are as follows:

1. There should be a pending suit/appeal and is not a subject to a pending suit or appeal in such decree’s execution:
 - A question of law must be there.
 - The court trying over the matter must entertain a reasonable doubt on those question.
2. Question of law over must be divided into 2 categories:
 - Questions with relation to validity of an Act, Regulation or Ordinance.
 - Other sort of questions.



3. In former cases reference is obligatory and in latter cases it is optional, these conditions are required to be fulfilled:

- Necessity of question to be decided to dispose the case.
- The view of Subordinate court is the presented Act, Regulation or Ordinance is ultra-vires.
- There is no determination by both the SC and the HC over such Act, Regulation or Ordinance is ultra-vires.

Reference can be applied by the Court only when there is an application of a party to the suit or through SUO MOTO. Here, the court is a civil adjudicature. Any tribunal or persona designate is not considered as a court. As held in the case of **Ramakant Bindal v. State of U.P.**², no reference can be made by a tribunal.

Procedure of hearing when matter is referred to the HC

There is certain procedure of hearing when matter is referred to the HC which are as follows:

- The referring court should draw up the Statement of the fact of the case and present the question of law where they want the HC's opinion. The court can either continue the proceeding or stay the proceeding.
- The court can pass the decree as per the HC's decision on the referred question of law which can be only executed until a copy of the judgement of the HC over the refence is executed. If it is in favoured of the plaintiff then it will be a confirmed decree else the case will be dismissed.
- In cases where referring court doesn't compiled a condition bought down foe making such reference the HC has a power to

return the matter of amendment and even can quash the reference order. It also has power to alter, set aside or cancel a decree made by court making reference to the HC as it thinks fit.

- As the general rule of cost the cost of refence should be defined. But if the references are unwarranted the High Court may ask the judge referring the matter to pay such cost personally.

Powers of Reference

The power of reference is exercised by the court superior to the court which decides the case. The power and duty of referring court in respect to reference is to entertain the doubt of the question of law. In **Banarsi Yadav vs Krishna Chandra Dass**,³ it was held that the question of law about which the subordinate court is doubtful, then a subordinate court may refer a case to the High Court when there is reasonable doubt regarding the constitutional validity of an Act and it shouldn't be a hypothetical question. Therefore, no reference can be made on a hypothetical question or a point that may or may not arise in future but if the situation arises it may be considered for reference.

REVISION AS PER THE CODE

Section 115 provides the provision regarding revision. It gives power to the High Court to entertain suits for revision which was decides by any subordinate court. It is also called revisional Jurisdiction. It is basically revising of suit with a critical examination with a motive of improvement in the judgement by the High Court. As per Section 115, required the High Court to satisfy 3 matters which states that the subordinate courts order is

² AIR 1973 All 23

³ 1971 Pat. L.J.R. 518



within the jurisdiction or the matter is which the court ought to perform its jurisdiction or the court exercising jurisdiction have not act illegally, i.e. there is no breach of provisional law or any sort of irregularity through any error in procedure of trial in material sense affecting the decision. The provision to this section specifically mentions that the High Court for the purpose of this section shall not reverse any decree/order against an appeal that lies either in High Court or any subordinate Court. Further, a revision will not be considered as a stay of the suit except in such suit or that proceeding which has been stayed by the High Court.

As seen in the case of **Salem Advocates Bar Assn v. Union of India**, the supreme court considered the scope of Section 115 of the CPC and observed that the scope of section 115 is limited and the revisional court should only be satisfied that the orders passed is within the jurisdiction of Section 115. Further in the case of **Radhe Shyam v. Chhabi Nath**, the Supreme Court held that even though the scope of section 115 has been curtailed by the CPC (Amendment) Act, 1999, as a result, the power of superintendence of the High Court does not extend.

Conditions for revision

There are 4 **Conditions of revision** which the HC can exercise its revisional jurisdictions:

- The case must be decided
- The court must be a subordinate court to the HC
- The order must not be appealable one.
- Subordinate court must have used the jurisdiction not vested to it by the law and failed to the perform the jurisdiction vested to it and acted the jurisdiction illegally or with irregular manner of material.

So, by analysing the conditions for revision under section 115, we can observe that the revision is done mainly on jurisdictional errors by the subordinate Court. Reference can be applied by any person who is aggrieved from a decision of a subordinate court can file for revision in the High Court against such order and also, the HC has a SUO MOTO power to exercise a revisional jurisdiction as per Section 115. The **Limitation period** to file an application for revision is 90 days from the decree has been made.

The powers of revision

In the case of a revision, whatever powers the revisional authority may or may not have, it has not the power to review the evidence unless the statute expressly confers on it that power. Now here the question arises '**Can the power of Revision be exercised if an alternative remedy is available?**' This revisional jurisdiction of the HC is discretionary in nature and this exercise of revisional jurisdiction is upon the discretion of the court and the parties cannot claim it as a right. In the leading case of **Major. S.S. Khanna v. Brig. F.J. Dillion**, it was held by the Supreme Court that the court has to take into consideration several factors before exercising the revisional jurisdiction from which one of the that considered is the availability of an alternative remedy. So, when an alternative and efficacious remedy is available to the aggrieved party, then the court may not exercise its revisional power under section 115 of the Code.

EXECUTION AS PER ORDER 21 OF THE CODE

When an entity receives a decree from a court of law against another entity, his following



step is to satisfy the decree. The proceeding of satisfying the decree given by the court of law is called execution proceedings.

Execution is the mode through which a decree-holder obstructs his judgment-debtor to perform the command given in the decree according to the case. It gives powers to the decree-holder to recapture the products of the decree/order. The execution is completely finished when the decree-holder gets the compensation i.e. cash or other thing given to him in the judgment/ decree/order.

The term “execution” explicitly is not defined in this code. The word “execution” basically means the procedure of giving effect to the judgment/decrees/order given by the court of law. The provisions related to execution of decree and orders are specified in Sections 36 to 74 and Order 21 of the Code.

The classification of Order 21 can be done as follows-

- Adjudication of the claims and objections.
- Applications for execution and the procedure applied to it.
- Immovable property and movable property's sale.
- Mode of executions.
- Resistance and delivery of possession.
- Stay of executions.

Court which can execute a decree [Sec. 36-38]:

Section 36 defines **application to orders** which says, the provisions related to execution of decree are applicable on the execution of the orders. [including payments]

Section 37 states **Definition of Court which passes a decree** which further explains, a

court of law who passes a decree on a matter must effect according to the execution of decree until there is any hindrance in its context including, decree to be executed passed by the appellate jurisdiction and secondly, the first instance of the court ceased or have jurisdiction to execute it, if the suit where the decree was passed and instituted at the time of application making for the executing the decree & would have jurisdiction to look over such suit.

Further explanation of this section says, the Court of law should also have jurisdiction to execute the given decree, at the time of application making for execution of the decree it should have jurisdiction to try such suit.

Section 38 states **Court by which decree may be executed** which specified that, a decree can be executed by the court of law which passed it, or by the Court of law to which it is sent for execution process.

Transfer of decree [Sec. 39]:

Section 39 states **Transfer of decree** under its first sub-section it states the court of law which passes a decree by an application made by the decree-holder send that decree for execution to some other court with certified jurisdiction in conditions where, the judgement-debtor resides or carry a business or work, with local limit jurisdiction of other court, or if the judgement-debtor have no property in local jurisdiction of court passing the decree and to satisfy transfer is made to other court of proper jurisdiction where he has property, or if decree is made for sale or delivery of an immovable property outside the local jurisdiction of court then it can be passed to another court of proper jurisdiction, or if a decree passing court finds any other



reason must record in writing should be executed by other court.

The second sub-section states, the decree passing court from its own motion sends the decree for execution to competent subordinate court of jurisdiction. Further the third sub-section states, the court shall be of a competent jurisdiction at time of making the transfer of a decree and that court have jurisdiction to try the matter where the decree was passed. And finally, the fourth sub-section states, nothing in this section authorizes a decree passing court to execute it against any property or person outside the local jurisdiction.

Questions which can be determined by the executing court [Section 47]

Including every question coming from the suit between the parties where the decree was passed including their representatives which is according to the discharge, satisfaction and executing of the decree must not be done by a separate suit and must be executed by the court which executed that decree.

And where the question is over is any person is the representative of a party or not must be determined by the court.

Explanation:

Plaintiff's suit being dismissed or defendant against whom suit dismissed are considered as parties for such suits.

Also: one is a part to suit where a property purchaser is at a sale for the execution of the decree. Also, related questions for such property to such purchaser or its representative falls under the ambit of this section.

Powers of the executing court and modes of execution [Section 51, 55-59. 60]

Section 51: the courts power to enforce a decree in general is given in this section which explains courts power & jurisdiction following to enforce the execution. The decree executions application can be either oral as per Or. 21 R.10 or written as per Or. 21 Rule.11. Implementation's mode of the decree is to be chosen by the party. Over the choice decree-holder as prayed the court can execute such decree as it thinks fit.

As per the provision modes of decree are as followed:

- Any property's delivery as per the decree specifically mention where such property can be either movable or immovable.
- Sale of the property either with or without property's attachment. According to this section's clause B, it is under courts power to attach such property with proper jurisdiction.
- Through the mode of Arrest and detention a decree can be executed by the court. Arrest or Detention of judgement-debtor can't be done until a show cause notice opportunity is not given stating why he/she must not get imprisoned.
- A decree can be executed through receiver's appointment where it acceptable to appoint judgement creditor as judgement creditors land receiver.
- As per Sub-clause E which is residuary where it works when execution of decree cannot be done under clause A to D.

Section 55 [Arrest and detention]

A judgment-debtor in order for execution of the decree can get arrested any time and day which is practicable following to his detention in districts civil prison where the court orders or according to any place as provided by the state government appoints for the detention of such orders. Given 4 conditions stating:



- No house should be entered between sunset and sunrise.
- No main door of such house should be broken unless the house or property is under judgement-debtor's occupancy and he refused the authorities for access and then any door of the property can be broken to find him.
- If any occupancy of such property is over a women not a judgement-debtor and due to customs doesn't appear in public and authority to make such arrest must give a notice stating her liberty to withdraw from the property giving her a reasonable period of time and facilities as per the withdrawal to make an arrest.
- If decree is over payment of money at the time of arrest the judgement-debtor pays such amount and even the cost of arrest, the officer can release him once.

Through official notice the State Government can declare arrest of any person creating danger to public must not be arrested for the execution of decree and other procedure will be prescribed by the state government.

An arrest for execution of decree relating to payment of money and brought to the court, then the court can declare him insolvent if there was no ill will and such judgement-debtor can get discharged as per the time and insolvency laws.

When a judgement-debtor applies to be declared insolvent with good intention and presents security for courts satisfaction he will under 1 month he'll appear whenever called upon regarding proceeding either on application or on executing the decree of arrest, the court can release him from the arrest. In conditions where he fails to either apply or appear in court, the court can realize the security and execute him to civil prison.

Section 56 [Restricting arrest/detention of women executing decree for money]

A civil court can't order to arrest/detention of a woman in prison from payment of money in execution of decree.

Section 57 [Subsistence Allowance]

Scale as per race, rank & nationality regarding the monthly allowance payable by the judgement-debtor can be fixed by the State Government.

Section 58 [Detention & release]

A person can be detained for the decree's execution in a civil prison in matter of decree passed for payment exceeding of Rs. 1000 with a maximum period of 3 months and matters decree passed for payment between Rs. 500 to Rs. 1000 with a maximum period of 6 months; with a given condition that such person must be released from detention before expiree of such period when:

- Amount as per warrant is paid off to officer of the prison for his detention.
- Being decree completely satisfied against him.
- Request by person through who sent the application for detention.
- Person through who sent the application for detention omissions to pay subsistence allowance.

As per Clause 1A, considering removal for doubts, in matter less that Rs. 500 no detention order can be passed against the judgement-debtor for execution of a decree. And second clause says once a judgement-debtor is released, he must not be re-arrested under decrees execution. One cannot be released from detention here until not ordered by court.

Section 59 [Release on ground of illness]



After the issue of warrant of arrest has been issued, the court any time can cancel it if the judgement-debtor has a serious injury.

If the judgement-debtor is not in fit health condition, the court can release him.

Even that person can be released from the prison if the state Government gives an order of release if finds that person with any infectious or contagious disease can be done by the committing court or its subordinate court.

Such person can be re-arrested when they get fit as per Section 58.

Section 60 [Property liable to attachment and sale in decree's execution] (Attachment)

Execution of a decree though decree-holders application by attaching and sale can be done and even sale with attaching can be done. The decree-holder has a right to attach judgement-debtor's property as per the procedure.

As per Section 60 clause 1, there is a liability to attach the property and sale in decree's execution and properties exempted from there. All property either movable or immovable which is saleable and belongs to judgement-debtor, or his portion in that property which he can use for his own benefit in future can be attached and sold for a decree's execution.

Stay on Execution of Decree [Or.21, R.26-29]

As per **Rule 26**, a stay on decree's execution can be made by the court to create a reasonable time for the judgement-debtor such that he can apply in the court who passed the decree and courts with proper appellate jurisdiction for a stay order for any other order to execute the decree of the

former court. There is limited power to stay an execution to the transferee court. The second sub-rule says, if a property is seized through an execution, the appellate court can order for restitution of such property.

As per **Rule 27**, any restitution as per Rule 26(2) can't protect the property of 6 Judgement-debtors from decree's execution being re-taken for execution.

Accordingly, Rule 28 states, any decree passing court passes an order relating to execution of that decree, must bind on the court to which decrees execution was sent.

Further **Rule 29** states dealing of different situations which follows, a court where a suit is pending against a decree-holder of that court, that persons part on whom the decree was passed then the court using method of security, according to it gives an stay order on the execution of such decree provided that the suit which was pending is decided. Given that pursuing this rule, simultaneously there is 2 proceedings in 1 court, where one suit is over execution of decree-holder over judgement-debtor and second one judgement-debtor against decree-holder.

Mode of Execution [Rule 30-43]

Rule 30 says, each decree for the payment of money includes a payment of money decree as an alternative to some sort of relief, it may get executed by detention of the judgement-debtor in civil prisons or even by attaching or selling his property or by both.

Rule 31 talks about the decree over a specified movable property which can be executed by 3 ways:

- If practicable, seizure of the property.
- Property to be delivered to such person whom it has been given through the judgement.



- Detention in the civil prison of the Judgement-debtor.

Rule 32 Talks about the execution over a decree of injunction. It can be done by detention in the civil prison of the judgement-debtor, else or by attaching to property to enforce such decree, which is followed when a person from his will ignores or doesn't obey the decree. Also, it includes decree for restitution of conjugal rights and attaching to property to enforce for such decree which is followed when a person from his will ignores or doesn't obey the decree.

Rule 33 further talks about the decree's execution for restitution of conjugal rights against the husband. Here the judgement-debtor is required to make payments periodically to the decree-holder or the wife. If such decree is not followed in the prescribed period of time. Due to certain situations the court can amend such payments and can even be suspended. Also, any sort of money ordered to be paid as per this rule must be recovered and treated a money payable as per the decree for payment of money.

Rule 34 states the procedure followed during the execution of a document. In case where the decree of execution of documents is disobeyed, the decree-holder is required to make a draft and present it to the court. Then the court will show that draft to the judgement-debtor so that if he has any present objection and give him a sufficient period of time to present such objections. After receiving such objection, the court must give an order to approve or alter such draft. The decree-holder will be given a copy of such draft after making any amendments if required with a proper stamp if such stamp is requiring for time be required as per the law.

For the execution of document being delivered, the judge or an officer may get appointed. Such officer or Judge authorized by the court is required to register such document if required as per the law. If such registration is not required but the decree-holder wishes to register such documents, court can make such orders also the court can make orders over the registration's expenses.

Rule 35 specified rule over Decree of an immovable property, in such cases the property to be delivered to such person whom it has been given through the judgement or his representative. Delivery is to be made after removal of any person who doesn't vacate such property as per the decree. In cases of joint Possession of such immovable property, it is required to be delivered by affixing the warrant copy in a visible place. In situation when a person who has the possession of such property in not providing a free access the court can remove any sort of lock or even break any door to give possession to the decree-holder after giving a warning if a woman is there in such property.

Rule 37 specifies the discretionary powers of the Judgement-debtor to show the cause against the detention in civil prison. Here, if an application of decree's execution fir payment of money is present through detention or arrest of the Judgement-debtor, then the court gives him a chance to show why he must not be sent to the civil prison. Also, the court gives him as specific date to appear in the court and show the cause. The court won't give any notice in some situations such as if it feels it would cause a delay in the execution procedure or the Judgment-debtor get absconded within the prescribed time.



Rule 38 says that the arrest warrant of the Judgment-debtor will direct the authorized officer for execution and bring him to the court within prescribed period to time.

Rule 39 deals with Subsistence allowance. Here the Decree-holder is required to pay a maintenance as fixed by the court for the Judgment-debtor in the civil prison for his time of arrest until bought to the court. If the decree-holder has not paid such allowance, the Judgment-Debtor can't be arrested.

Rule 40 states all the proceedings which are required to be followed after Judgement-debtor's appearance after the notice is provided.

Rule 41 states, provisions for the court to examine the Judgment-debtors property. The court can order the Judgment-debtor or the officer in charge to submit any sort of relevant book or document for the examination. The order to examine property's value is required to satisfy the decree. In corporation cases, Judgment-debtor, officer or any relevant person could be examined orally.

Rule 42 says, when a decree is directed for rent or mesne profits or any other matter then the Judgment-debtors property can be attached for the due amount as similar as of in the case of decree for payment of money.

Rule 43 says, when a moveable property is attached other than agriculture product which is in the Judgement-debtor's possession of the attachment must be made by seizure and the officer responsible for such attachment must be responsible for such custody.

CONCLUSION

The provisions for reference, review and revision provided under the Code of Civil Procedure are different ways by which the court can work more efficiently for the impartiality of the justice system even when

there is no system of appeal. Whenever a judge passes a decree or makes an order there may be certain circumstances where there are errors or mistakes relating to the jurisdiction or procedure are committed by the court. Therefore, the provisions relating to reference and revision ensures that the work of the courts is completed in an efficient manner. Hence, the provision of review, reference and revision have been inserted under the legal system to avoid a miscarriage of justice from the judicial system. Further talking about execution, it is the Courts duty to evaluate each case's facts and give the decree-holder an appropriate relief without causing him any inconvenience and delay to him. The Court being choosing an appropriate execution mode and following a proper procedure as per the code before a decree's execution.
