

**While executing a decree passed by a foreign court in a reciprocating territory under Section 44A of the Code of Civil Procedure, 1908, it is not mandatory for the District Court to frame issues and direct the parties to lead evidence while examining whether the decree falls within any of the exceptions under clauses (a) to (f) of Section 13 CPC**

The **Bombay High Court** in the case of **Elis Jane Quinlan v. Naveen Kumar Seth [Writ Petition No. 14283 of 2023]** dated **February 10, 2026**, has held that while executing a decree passed by a foreign court in a reciprocating territory under Section 44A of the Code of Civil Procedure, 1908, it is not mandatory for the District Court to frame issues and direct the parties to lead evidence while examining whether the decree falls within any of the exceptions under clauses (a) to (f) of Section 13 CPC. The Court clarified that the inquiry contemplated under Section 44A(3) read with Section 13 is ordinarily summary in nature and not equivalent to a full-fledged trial as in a suit filed on a foreign judgment from a non-reciprocating territory.

In this case, a writ petition was filed by foreign decree holders challenging the order of the District Judge, who had allowed an application by the judgment debtor for framing issues and granting liberty to lead evidence in execution proceedings arising out of a decree passed by the Fujairah Civil Court, UAE. After the UAE was notified as a reciprocating territory under Section 44A CPC, the decree holders had filed execution proceedings in India. The executing court framed multiple issues concerning fraud, natural justice, suppression of material facts, limitation and maintainability, and permitted evidence to be led on those issues.

The High Court examined the scheme of Sections 13, 14 and 44A CPC and observed the fundamental distinction between decrees from reciprocating and non-reciprocating territories. In the former case, the decree is executable as if it were a domestic decree, subject only to the limited exceptions under Section 13. The burden to establish that the decree falls within any of the exceptions under clauses (a) to (f) lies on the judgment debtor. The Court held that if framing of issues and leading of oral evidence were to be treated as mandatory in every case, the special legislative object behind Section 44A, swift and effective execution, would be defeated.

The Court observed that it is not necessary in every case that issues are framed and evidence is led for conduct of inquiry into circumstances enumerated under clauses (a) to (f) of Section 13 of the Code. This is because the legislative object is to ensure swifter and faster execution of the decree passed by the foreign court in reciprocating territory. The Court also held that the existence of exceptions under Section 13 must ordinarily be gathered from the pleadings, the foreign judgment, and the proceedings before the foreign court. It is not necessary to conduct a de novo trial. The Court further observed that recording of evidence in execution proceedings should be permitted only in exceptional and rare cases where the factual controversy cannot be resolved through other expeditious methods.