

**Stay In Civil/Criminal Proceedings Not To Be Granted Beyond Six Months; Further Extension Only By Speaking Order in compliance of judgement of Hon'ble the Supreme Court of India in the matter of [Asian Resurfacing Of Road Agency Pvt. Ltd. & Anr. Vs. Central Bureau of Investigation. Criminal Appeal no. 1375-76 of 2013]**

With reference to judgement of Hon'ble the Supreme Court of India in Criminal Appeal no. 1375-76 of 2013 and analogous cases, dated 28.03.2018, it is to bring to your kind notice that Hon'ble the Supreme Court of India has directed that in all pending cases where stay against proceedings of a Civil or Criminal trial is operating, the same will come to an end on expiry of six months from 28.03.2018, unless in an exceptional case by a **Speaking Order** such stay is extended. It was also held that where stay is granted in future, the same will end on the expiry of six months from the date of such order unless a similar extension is granted by a speaking order.

Further, elaborating on Speaking order, the Apex Court has said- *“The speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. The trial Court where order of stay of civil or criminal proceedings is produced may fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence unless order of extension of stay is produced.”*

Therefore, the aforesaid direction of Hon'ble the Supreme Court of India with respect to termination of stay in all pending cases beyond six months must be strictly adhered to, where stay has been granted or is granted in future and is in operation.

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(Ambuj Nath )  
Registrar General**