

RESPONSE BY AND ON BEHALF OF DELHI HIGH COURT
TO QUESTIONNAIRE RECEIVED FROM NATIONAL JUDICIAL ACADEMY

Q.1 Court Process and Procedures related to the following matters:

- (i) Writ Jurisdictions
- (ii) Civil Appellate Jurisdiction
- (iii) Criminal Appellate Jurisdiction
- (iv) Civil Original side
- (v) Revisional Jurisdiction
- (vi) Any other matters which come within the jurisdiction of the High Court including section 482 Cr.P.C.

Please specify the several stages generally involved in the above mentioned matters, from the first listing till delivery of judgment. Is there any time frame fixed for each stage? Also mention the practice followed or the High Court Rule in this regard.

Ans. Fresh cases as well as applications are filed by way of two processes:-

- (i) manual (hard copy); and
- (ii) e-filing (soft copy).

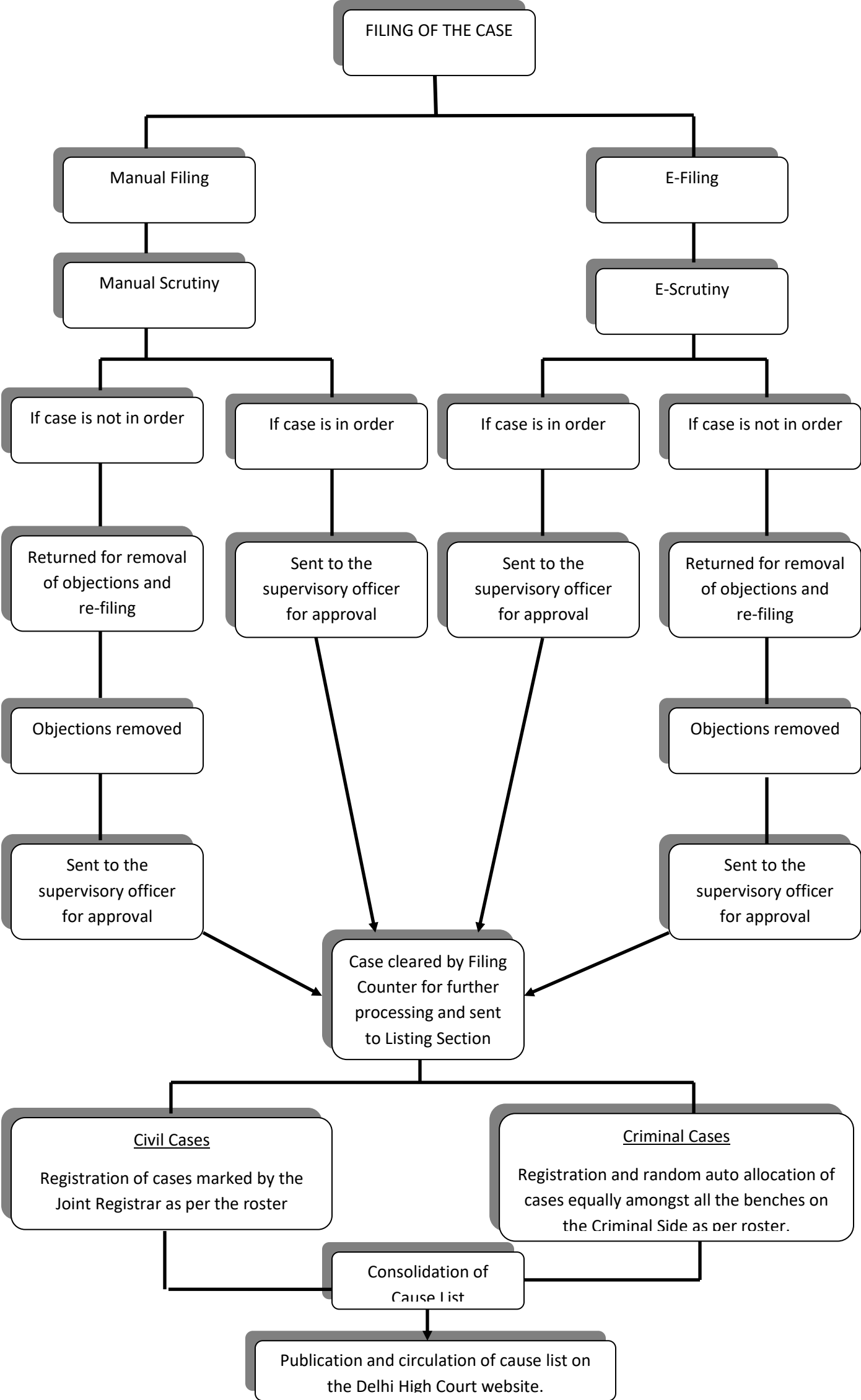
The respective procedures of manual filing as well as e-filing are detailed here-in-below.

Fresh cases, applications, miscellaneous documents, vakalatnamas, etc. are presented for filing at the Filing Counter of this Court. The same are scrutinised and if found in order, are cleared; while those, which are not found in order, are returned for removal of objections and re-filing. After clearing the objections, when the same are presented again for filing, once again the scrutiny takes place and if found in order, are cleared.

After the aforesaid cases, applications, etc. are cleared by the Filing Section/Branch, the same are sent to the Listing Section/Branch, which are marked either as per roster or by way of random allocation of cases equally amongst the Hon'ble Judges.

The step-by-step procedure from filing to listing of different cases are explained herein-below by way of a Flow-Chart.

FLOW CHART SHOWING STEP BY STEP PROCEDURE FROM FILING TO LISTING OF CASES

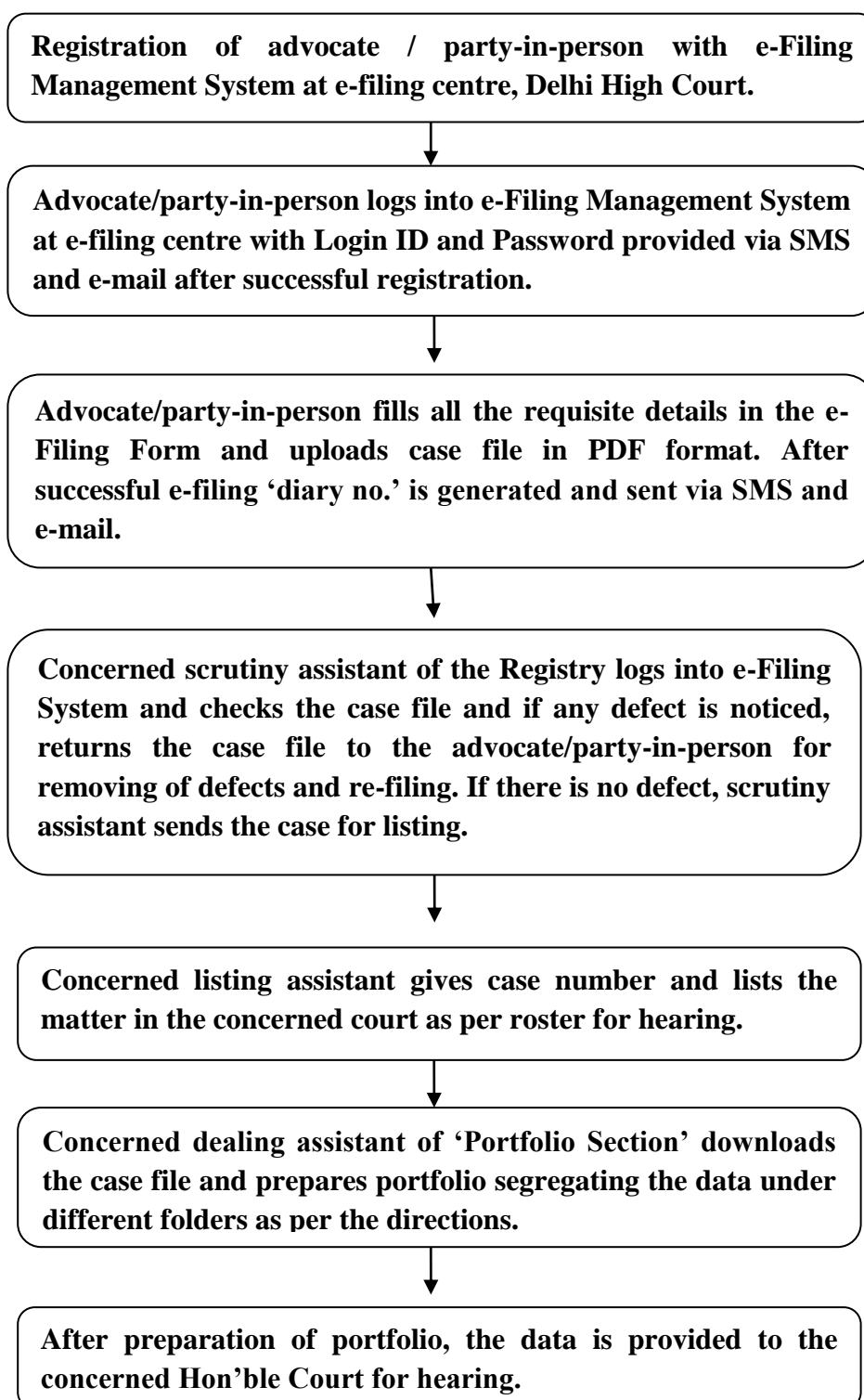


E-FILING JURISDICTION

The first-ever e-Court of the country was inaugurated on 15th December, 2009 in the High Court of Delhi. In High Court, presently, 10 Courts are functioning as e-Courts. The modalities of e-Court in this Court have been crafted by the Hon'ble Members of Computer Committee with the objectives to ensure easy, smooth, speedy and efficient proceedings of the Courts in a completely digital environment by using the tools and means of latest Information and Communication Technology.

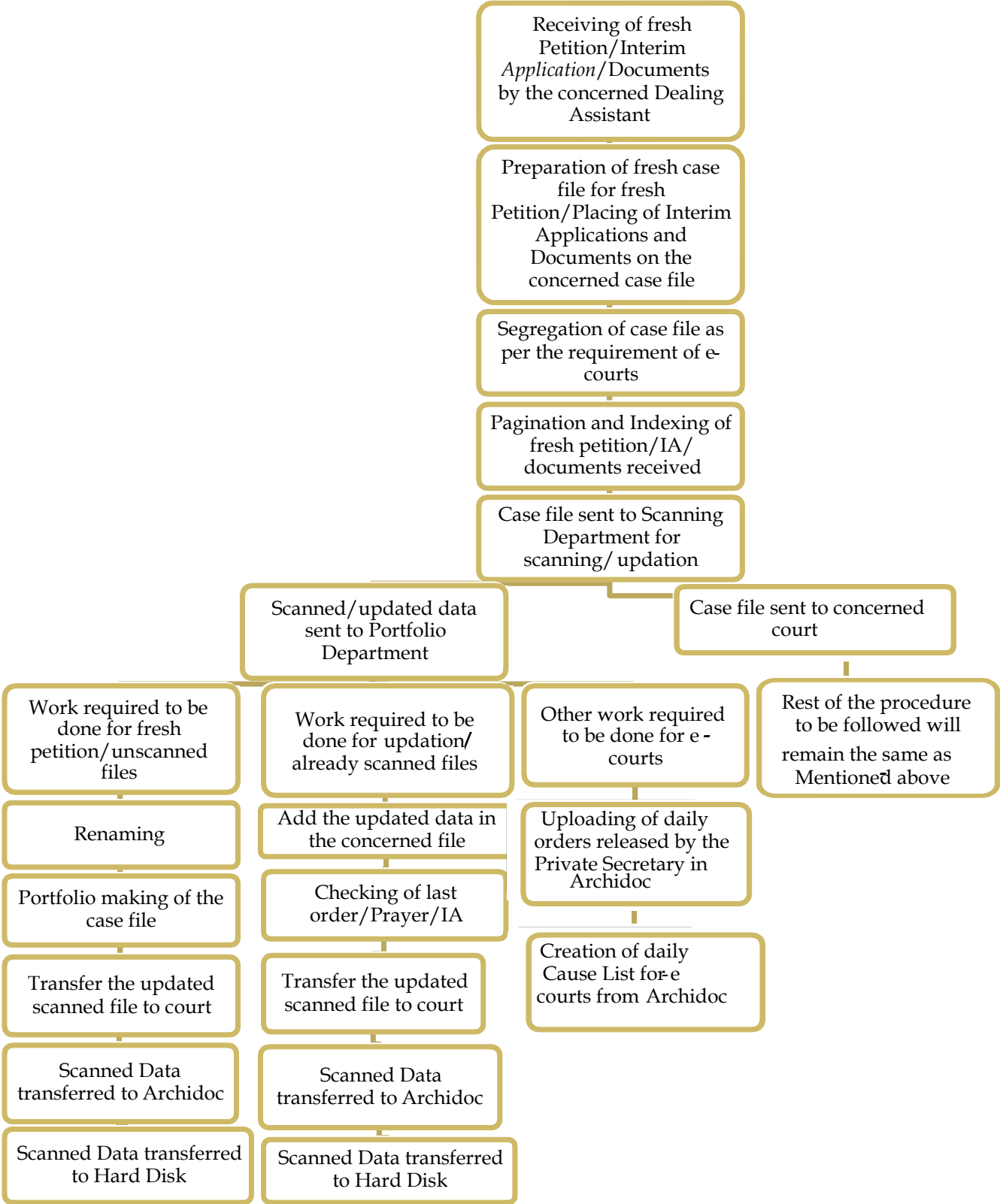
As of now, in Delhi High Court, e-Filing is available in following jurisdictions:

- Company and Tax jurisdictions with effect from 25th October, 2013.
- Arbitration jurisdiction with effect from 2nd February, 2015.



Guidelines for e-File (i.e., Practice Directions for e-Filing, Screen shots on e-Filing, etc.); e-Filing Statistics and Video on e-File are available on the official website of Delhi High Court, i.e., www.delhihighcourt.nic.in under the link 'e-Filing'.

Procedure for e-courts



• **PREPARATION OF CAUSE LIST, LISTING OF MATTERS, ETC. :**

The Listing Branch not only prepares its own cause lists but also coordinates with Original Side and Company Side Listing Branches and incorporates the lists of these branches to compile the entire cause list of the High Court. The different steps involved in the aforesaid process are explained herein-below:-

- (1) Assigning Case Numbers: The cases received from Filing Counter (physical form as well as in digital form) are first assigned case numbers. In the case of e-filed cases, the dealing assistant logs into e-Filing Management System through his ID and password (each dealing assistant has been assigned his separate password) and assesses the inbox from where e-filed cases are forwarded to him by the concerned supervisory Officer, i.e., Joint/Deputy Registrar. From here, the dealing assistant can see the Hon’ble Court to which the case has been marked by the concerned Joint/Deputy Registrar. Apart from e-Filing Management System, there is software for the management of database of cases. The dealing assistant enters the diary number of case in the software window which shows all the case details entered by the filing counter and enters the court number in the software according to the marking made through e-Filing Management System and the codes of applications filed along with the main case therein. The computer system assigns case number to the petition according to its category, i.e., W.P.(C) No 1/2015, CRL.A. 2/2015 etc. and to the applications according to their categories, i.e., C.M No. 12/2015, CRLMA 3/2015, etc.



Figure-1: e-filing Management System



Figure-2: Cases marked for listing (e-filing Management System)

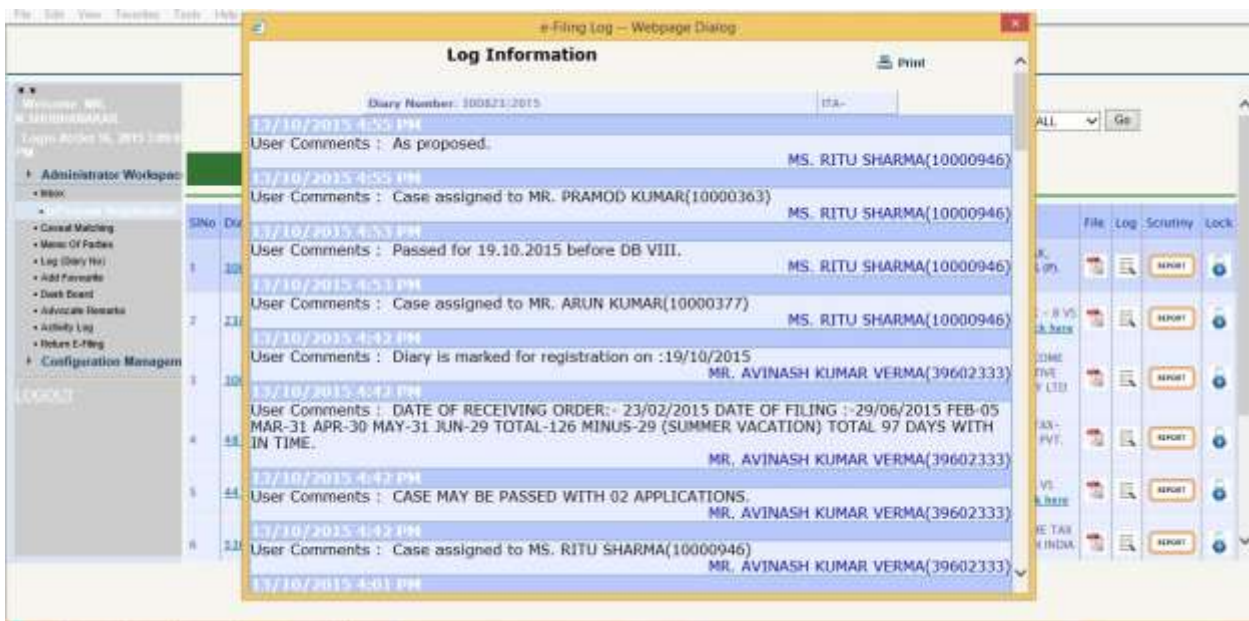


Figure-3: Log information (e-filing Management System)

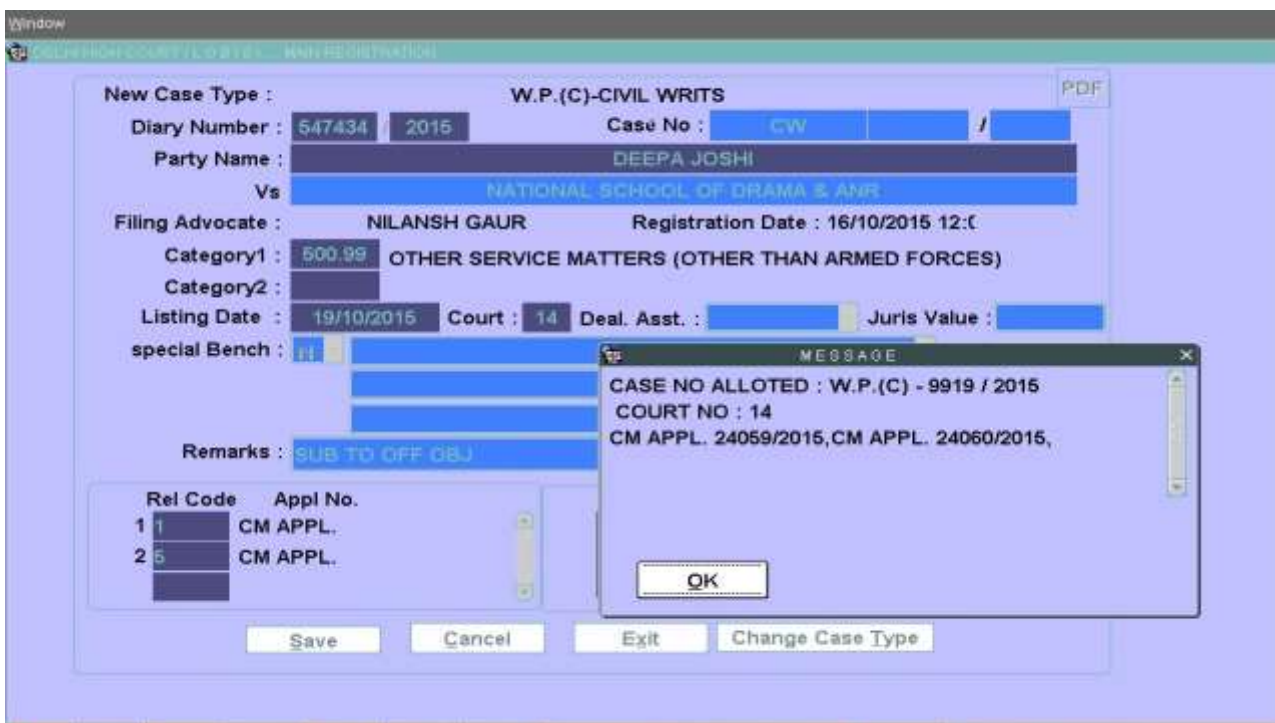


Figure-4: Registration process of Civil Cases (Computer Database) Court number entered as per marking

In the case of petitions filed in physical form, the marking of bench is made on the case file by the concerned supervisory Officer, i.e., Joint/Deputy Registrar. However, rest of the registration process in the computer by the Listing Branch is the same. The dealing assistant marks the case number and application numbers on the file itself. The physical files are then sent to the concerned judicial branches and e-filed cases are forwarded to concerned judicial branches through e-Filing Management System. The judicial branches send the case-files to the concerned Hon'ble Courts.

So far as miscellaneous applications (filed in physical form as also through e-filing) in already filed cases are concerned, they are marked by AOJ (Listing) and then forwarded to the dealing assistant who makes the entries in the computer system and accordingly forwards them in similar way.

- (2) Automated allocation of Criminal Cases: Criminal cases are assigned case numbers in the same manner mentioned above. However, they are not marked by any officer but the computer system itself. The marking in Criminal Cases is completely automated and access to automatic allocation system is restricted to authorized person only. Where there is a category of Criminal Case which has been assigned to a particular Court as per the roster duly approved by the Hon'ble Chief Justice, the computer system automatically allocates such cases to that particular Court. Whereas, in the case of categories of criminal cases, such as Bail Applications, which have been assigned to two or more Court(s) in the said roster, the computer system automatically allocates such cases equally to the Court(s) on random allocation basis.



Figure-5: Automatic allocation of Criminal Cases (Authorized entry only)

DELHI HIGH COURT

Automatic Court Case Allocation System

Process Reports Administration Logout

Case Type : CRL REV.P.
DEATH SENTENCE REF.
TR.P.(CRL)
W.P.(CRL)

Please Select Date : 19-Oct-2015

Submit

Calen... 10.25.196.6:8080, October 2015

S	M	T	W	T	F	S
27	28	29	30	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
1	2	3	4	5	6	7

Today

Figure-6: Automatic allocation process

DELHI HIGH COURT

Automatic Court Case Allocation System

Process Reports Administration

List of the cases automatically allocated with court no for : 19-Oct-2015

Allocation has been done Successfully !

To see the Report Click here

Generate PDF

Next

Figure-7: Automatic allocation of Criminal Cases

New Case Type : CRL.A.-CRIMINAL APPEAL

Diary Number : 531491 / 2015 Case No : CRLA

Party Name : NITESH @ ROCKY

Vs : STATE (NCT OF DELHI)

Filing Advocate : AJAY M LAL Registration Date : 16/10/2015 12:00

Category1 : 100.1 Sentence awarded is above three years and upto seven years

Category2 :

Listing Date : 19/10/2015 Court : Deal. Asst. : Juris Value :

special Bench : H

Remarks :

Rel Code Appl No.
1 12 CRL.M.(BAIL)
2 5 CRL.M.A.

Save Cancel Exit Change Case Type

MESSAGE

CASE NO ALLOTTED : CRL.A. - 1097 / 2015
COURT NO : CRL.M.(BAIL) 7987/2015,CRL.M.A. 15512/2015,

OK

Figure-8: Registration process of Criminal Cases (Computer Database)
Court number not entered manually

Automatic Allocation Report for:19-Oct-2015					
Case Type	Reg. No.	Reg. Year	Court No.	Auto/Manual	Remarks
W.P.(CRL)	2355	2015	36	A	~131-52-A-92
W.P.(CRL)	2356	2015	31	A	~68-177/2006
W.P.(CRL)	2357	2015	30	A	~69-497/2010
W.P.(CRL)	2358	2015	36	A	~17-594/2007
W.P.(CRL)	2359	2015	31	A	~25-233/1991
W.P.(CRL)	2360	2015	31	A	~39-315/2011
W.P.(CRL)	2361	2015	36	A	~145-226/2010
W.P.(CRL)	2362	2015	32	A	~190-244/2011
W.P.(CRL)	2363	2015	36	A	(W.P.(CRL)13132015)~46-335/2011
W.P.(CRL)	2364	2015	36	A	~25-79/1994
W.P.(CRL)	2365	2015	31	A	~36-198/1998
W.P.(CRL)	2366	2015	36	A	~81-50/2008
W.P.(CRL)	2367	2015	36	A	~67-24/1996
W.P.(CRL)	2368	2015	31	A	(W.P.(CRL)11142013)~116-238/1997
W.P.(CRL)	2369	2015	31	A	~143-90/2012
W.P.(CRL)	2370	2015	36	A	~131-4-S-98

Figure-9: Automatic Allocation Report

- (3) Generation of cause list: For generating the cause list, first allocation of other cases is done which includes fresh Civil Cases and adjourned cases (both Civil as well as Criminal). This process integrates all the cases of the particular date for which cause list has to be prepared.



Figure-10: Allocation

After the above process, the cases are assigned item numbers through the software. The computer system assigns item number automatically to each case having that particular date upto that specific time when the allocation is done and stores item numbers in the database of cases.

Item numbers generated successfully

ITEM NO GENERATION

list is not locked

DATE LIST	COURT NO.	SIDE	STATUS	
02112015	0	A	Pending	<input type="button" value="Showlist"/>

List of successfully generated item numbers for 02-nov-2015

List Stage	Court No.	Item No./Case Listed	Not Listed
1	1	23	
	2	90	
	3	7	
	4	15	
	5	31	
	6	25	
	7	11	
	8	40	
	9	39	
	10	25	
	13	34	

Figure-11: Item number generation.

After generating item numbers, the list is locked in data base. Apart from security reason, the locking process enables assigning succeeding item numbers to the cases which are received from the filing counter for being listed in the Supplementary List(s). For example; there are 15 cases listed in the Advance Cause List of Court No. 1 numbered from item No. 1 to item No. 15. The cases received from the filing counter afterwards for being listed in Supplementary List(s) will be assigned item numbers from item No. 16 and so on.



Surender Prasad
Dhasmana
10001332

DELHI HIGH COURT



Case Information System

Masters ▾
Reports ▾
List Locking/Unlocking ▾
Logout

PRINT LOCKING/UNLOCKING

LOCKING/UNLOCKING	DATE LIST	SIDE	STATUS	LIST STAGE
Lock ▾	02112015	A	P ▾	1

Delhi High Court, Saturday , 17-Oct-2015

For any queries regarding software module please contact at extention No.4563

Logout

Figure-12: Locking process of list

After locking process, the cause list is generated from the software. The cause list can be generated with remarks and Acts mentioned therein or without mentioning such remarks and Acts in the list.

CAUSE LIST GENERATION

LISTING DATE : 02/11/2015

DD/MM/YYYY

COURT NO : 1

Zero for All Court

CAUSE LIST NO : 0

Zero for Full list

Side : A

List (P/R) : P

☒ With Remarks and Act

swFile

Figure-13: Cause List Generation

The computer picks up cases according to case stages. There are certain case stages of listing of cases such as “Fresh Matters & Applications”, “For Admission”, “After Notice Misc. Matters”, etc. The software lists cases under each case stage according to alphabetical and chronological order. In the case stage “Fresh Matters & Applications”, fresh applications filed in already instituted main cases are listed first according to the alphabetical and chronological order of the main cases in which such applications are filed. Followed by such application, fresh main cases are listed along with the applications filed therewith. Thereafter, adjourned cases are listed under the case stages “For Admission”, “After Notice Misc. Matters”, etc.

Delhi High Court Cause List	
For 01, Nov. 2015	
List is locked upto Cause List : 1	
CAUSE LIST : 1	
COURT NO. : 1	
HON'BLE THE CHIEF JUSTICE	
HON'BLE MR. JUSTICE JAGAN MATH	
FRESH MATTERS & APPLICATIONS	
1. W.P. (C) 8978/2015	COMMON WEALTH HINDU RISHIS AGSTVS
WASAKULI, ANAND	INITIATIVE
ANJANMALLA, CHITRA	VS. UNION OF INDIA AND ORS
400.12	
FOR TO OFF ORJ	
FOR ADMISSION	
2. LPA 477/2015	CENTRAL BOARD OF SECONDARY
LEGAL, ANURAG KHANNA, D.S.	EDN
ON APPL. 13113/2015	EDUCATION (CBSE) AND ANS
2005.89	VS. SHARATH NITIAL AND ANS
HS 1043 R S KIRAN	
3. W.P. (C) 8013/2015	DOMESTIC LABOUR UNION
	VIRAS S

Figure-14: The Cause List Generated

- (4) Preparation of cause list: There are different dealing assistants assigned with the work of preparation of cause list of 4 to 5 Courts/Benches each. They have been provided separate work stations equipped with latest computers having high speed LAN connectivity. The dealing assistants generate cause list of their respective

Courts from the computer system/software. Such cause lists generated by the dealing assistants are then collated together in a single file by one dealing assistant, who collates the cause lists prepared by the Original Side Listing Branch and Company Side Listing Branch to compile the entire cause list of the Court.

Following cause lists are prepared:

- (i) Advance Cause List: An “Advance list” of adjourned cases is prepared a week in advance. The cases which are filed under ordinary filing are also listed in this list if the list is not already published. The advance list includes the lists of Appellate, Original and Company Jurisdictions. In top of the list, index is prepared which indicates page numbers of lists of respective jurisdictions.
- (ii) Supplementary Cause Lists: The cases which are filed for urgent hearing for the next day or next working day and the cases in which adjournment has been given for the next day or where a short date is given by the Court (in cases where the Advance Cause List has already been published) are listed in the Supplementary List(s), which include 1st Supplementary List, 2nd Supplementary List, and, if required, the 3rd Supplementary List. The urgent cases filed till 12.00 P.M. are listed for hearing on the next day or the next working day. The supplementary list includes the supplementary lists of Appellate, Original and Company Jurisdiction. On top of the Supplementary List, an Index is prepared which indicates page numbers of supplementary lists as well as advance list. Sundry information such as deletion of cases, leaves of Judges, notifications, etc. are also published in this Index, which is placed on top of the consolidated cause list of the Court.
- (iii) List of cases for Pronouncement of Judgments: A list of cases for pronouncement of Judgment is published along-with the supplementary list for the next day. Private Secretary/Court Master to the Hon’ble Judges forward lists of such cases to the Listing Branch for being published in the cause list.
- (iv) List of Regular/Final Matters: A list of matters, which are directed to be listed in due course (Regular Matters), is also published every day. Except the cases where priority is given by the Hon’ble Courts, cases in this list are listed according to their year-wise seniority. Sufficient number of cases is

listed before each Hon'ble Court in this list in accordance with the directions received from the Hon'ble Courts from time to time. This list is updated and published daily by deleting cases which get disposed of and adding more cases in their place as per year-wise seniority.

- (v) List of Courts of Registrars/Joint Registrars: Lists of cases which are directed to be listed before Registrars/Joint Registrars are prepared, which are published with the advance cause list and, if required, with the supplementary lists.
- (vi) List of Lok Adalats / Pre-Lok Adalats: Whenever Lok Adalats are organised, a list of cases listed in such Lok Adalats is published with advance cause list. Prior to this, list of cases for pre-hearing of Lok Adalats is also published.

In the end, when all the work relating to preparation of cause lists is completed, all the lists are collated together to form the consolidated cause list of the Court. The lists are collated in the following sequence:

1. Index;
2. List of pronouncement of judgments;
3. List of Regular Matters;
4. List of Final Matters of Original Side;
5. Advance Cause List;
6. Supplementary List of Appellate Side;
7. Supplementary List of Company Side;
8. Supplementary List of Original Side;
9. 2nd Supplementary List; and
10. 3rd Supplementary List, if required.

In the Cause List, so prepared after following the processes mentioned hereinabove, along with the case listed on any given date, the details of all other cases filed against the same respondent in company jurisdiction and similarly in criminal jurisdiction, all other cases filed against the same FIR along with the details of the concerned Police Station, are also mentioned/published just below the concerned case/item number.

- **COURT PROCESS AND PROCEDURES RELATED TO DIFFERENT JURISDICTIONS OF THIS COURT:-**

- In every judicial branch, there is an official who receives all the fresh cases as well as applications from the Filing/Listing Branch; writes case no. & application no. wherever required in the paper-book, i.e., on Memo of Parties, Petition/Appeal, Application, Affidavit, etc.; put paper-book in the File Cover and writes details of the case thereon; etc. This dealing is known as I.C. Seat, i.e., Institution Clerk.

- As per directions of the Hon'ble Court and on filing process fee by the concerned Advocates/litigants, following types of notices and/or warrants are issued:-
 - Actual Notice
 - Show Cause Notice
 - Court Notice
 - Default Notice
 - Bailable Warrants
 - Non-Bailable Warrants
 - Summon – Notice
 - Notice under Order 22 Rule 4 of CPC

- Whenever it is proved to the satisfaction of the Hon'ble Court that the opposite party/respondent cannot be served in the ordinary manner, notice is issued under Order V Rule 20 of the Code of Civil Procedure, 1908 through publication in two daily newspaper(s) having wide circulation in the State.

- Different directions passed by the Hon'ble Court are conveyed/forwarded to different quarter(s) for information and immediate compliance/necessary action along with a copy of the order/judgment of the Hon'ble Court.

- In compliance of the directions of the Hon'ble Court, Lower Court Records as and when required are called for.

- After passing of the final order/judgment by the Hon'ble Court, wherever required, final decree-sheet is prepared (clearly expression conclusively determined rights of the parties by the Hon'ble Court) and issued in matrimonial cases and Regular Second Appeals.

- Whenever any amount is directed to be deposited by a party in any case through demand drafts, pay orders, cheques, etc., the same are forwarded to Cash Branch for encashing the same and placing the said amount in Fixed Deposits in auto-renewal mode, so as to avoid any loss of interest to the party concerned on the said amount so deposited, in compliance of the directions of the Hon'ble Court.

MENTIONING OF MATTERS / MENTIONING PROCEDURE :-

As per directions of Hon'ble the Chief Justice of this Court, as contained in Notes at S.No. 2 of the Current Roster of Hon'ble Judges of this Court effective from 2nd January, 2017, presently, mentioning of matters is done before Hon'ble Mr. Justice Badar Durrez Ahmed / DB–III. However, in the event of non-assembling of Division Bench–III, as per practice, the mentioning is done before Division Bench–II. Further, following directions have been issued in this regard:

- i) No urgent mentioning shall be entertained, except at 10.30 A.M.
- ii) Urgent mentioning shall be entertained only in respect of matters of Detention and Personal Liberty and matters which cannot brook delay till the normal next day of listing.
- iii) Urgent mentioning shall be entertained only in such cases which are accompanied by duly filled in "Form For Urgent (Mentioning) Cases For Listing/Accommodation" in duplicate. (Specimen of such form is available on the official website of this Court, i.e., www.delhihighcourt.nic.in under the heading "Download").

As far as mentioning on the Original Side is concerned, urgent mentioning is entertained by the Hon'ble Judge-in-Charge of this Court and in the event of non-availability of Hon'ble Judge-in-Charge; the mentioning is done before second senior-most Hon'ble Judge on Original Side.

• ADJOURNMENTS :-

Adjournments are normally not encouraged as they leave to accumulation of cases and increase pendency. However, to accommodate the parties or the lawyers, at times, adjournments are granted. Ideally, an adjournment is required to be moved at least one day in advance with a No Objection from the other party(s) consenting to the matter being adjourned. In such cases where No Objection to an adjournment is consented to by the other party(ies), the Hon'ble Courts normally adjourn the matter. Adjournments are also sought in cases where prior adjournment applications/slips are not moved. The reasons for these adjournments can be the inability of the parties to complete the proceedings, non-availability of the parties or their counsel, personal difficulties of the parties or the counsel, etc. Even though the Hon'ble Courts are normally don't entertain such requests, especially where the matters are listed for final disposal. However, in the interest of justice and keeping in view the objective of deciding the cases on merits, the accommodation is granted to lawyers or the parties by granting it.

It would be difficult to identify any particular stage at which the maximum adjournment takes place. The initiation and the disposal of the matter normally are largely dependent on the conduct of the parties and their eagerness to conclude the same. In some cases, the adjournments are more at the stage of completion of pleadings, while in other cases, the larger number of adjournment are sought after the completion of pleadings upto the stage of final disposal of the matter.

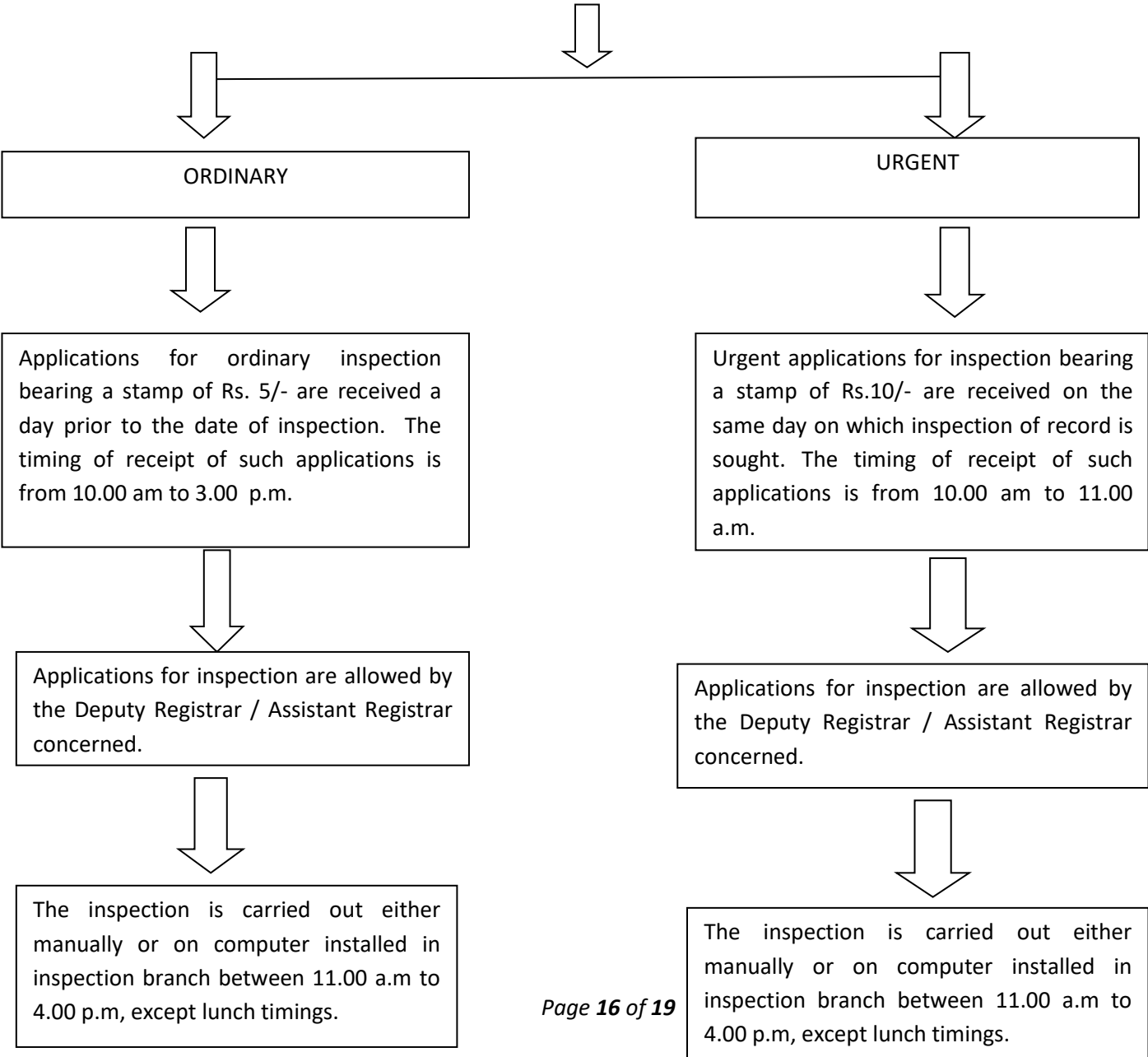
Chapter XII of the Delhi High Court (Original Side) Rules, 1967 deals with Adjournments, which reads as under:

“CHAPTER XII

Adjournments

- 1. Adjournments to be to a day certain- All adjournments shall be to a day certain. No suit or matter shall be adjourned since die except for reasons recorded in writing.*
- 2. Adjournment to be granted only on good cause- No adjournment shall be granted except on good cause shown. The consent of parties shall not or itself be a good cause for adjournment.”*

• INSPECTION / PROCEDURE FOR INSPECTION (INCLUDING E-INSPECTION) OF DECIDED AS WELL AS PENDING CASES :-



- **BACKLOG OF CASES :-**

A Committee comprising HMJ Badar Durrez Ahmed, HMJ S. Ravindra Bhat and HMJ Sanjiv Khanna was constituted to examine the pendency of cases in this Court wherein the Hon'ble Committee made the following observations:-

"Pendency of cases does not necessarily mean arrears of cases. This is so because each case has a time line. A case cannot be disposed of the instant it is filed. It has a life of its own. A suit, for example, is instituted through a plaint. Summons are issued to the defendants. Time is spent on serving the summons. Then the defendants have time to file their written statements. Time is also spent to enable the plaintiff to file his replication. Then, follow the admission/denial of documents, framing of issues, evidence, final arguments and judgment. Not to speak of the various applications – for interim relief, discovery, interrogatories etc. So, time is necessarily spent between filing and disposal."

- **MISCELLANEOUS MATTERS :-**

In this Court, every case, except the matters directed to be listed in the category of Regular/Final Matters, is given a date of hearing and the cases are listed accordingly before the Courts by the Registry as per the dates so fixed. On such fixed dates, cases are taken up for hearing by the Hon'ble Courts. However, at times, it is not possible to give a hearing to all the matters, which primarily is due to the following reason(s):-

1. The Counsel/Advocates seeking an adjournment;
2. Pleadings in the matter not being complete;
3. Long arguments being addressed in a matter;
4. Arguments in a batch of matters being heard together;
5. The list of matters listed being too long to enable each matter to be taken up.

In all such cases, which are listed before the Hon'ble Court but not taken up for hearing, the Hon'ble Court itself fixes the next date of hearing, on which date the Registry lists the same before the Hon'ble Court.

So far as Regular/Final Matters are concerned, such cases are taken up for hearing according to their age-wise seniority, i.e., the old(est) case(s) are always given priority over other cases.

- **DIGITALIZATION OF LOWER/TRIAL COURT RECORDS (LCRs/TCRs) :-**

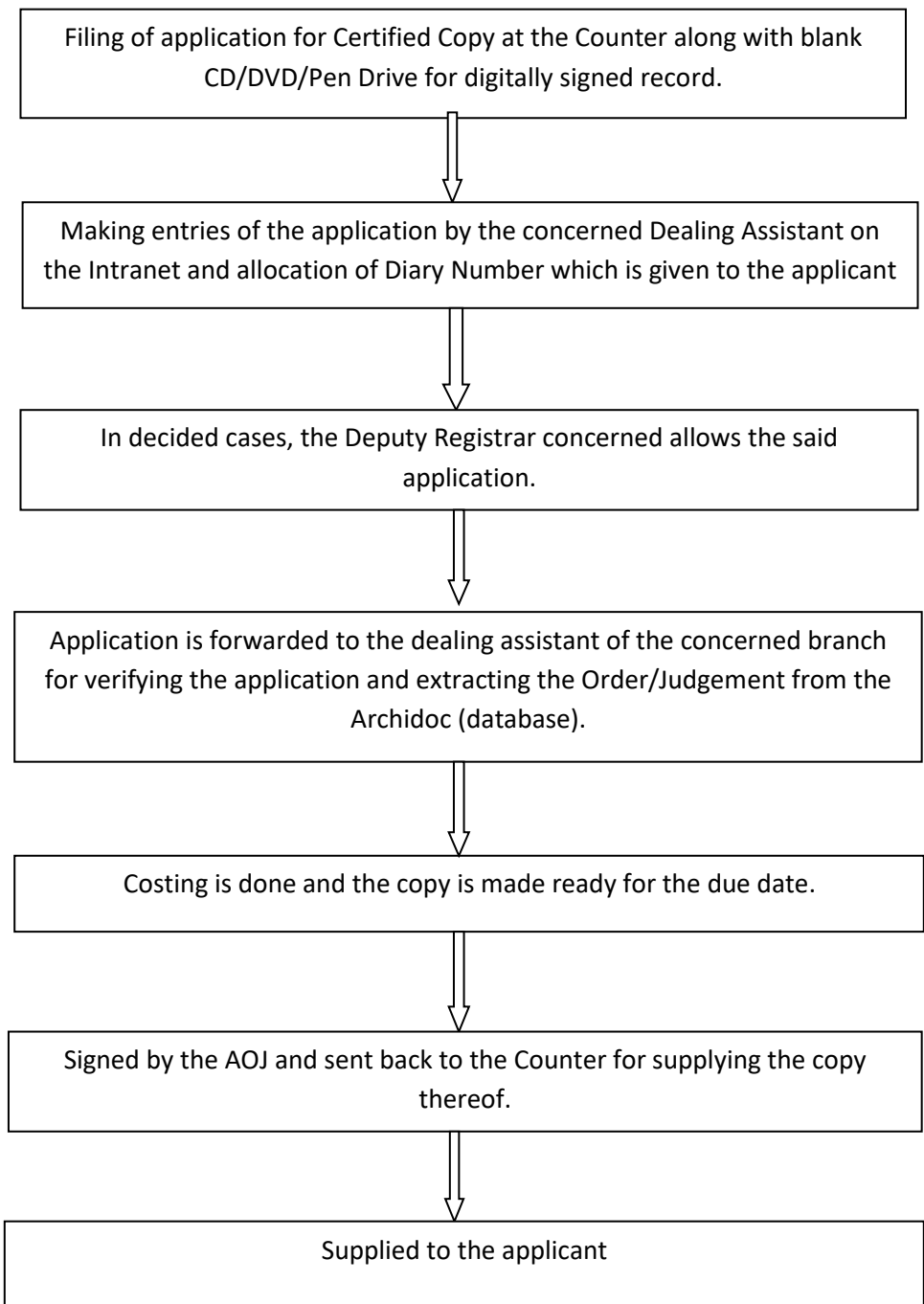
All the District Judges of Delhi have been directed by the Competent Authority to send the digitized records of decided Sessions cases with book-marking in an External Hard

Disk (EHD) every week to the Delhi High Court so that the digitized Lower Courts Records (LCRs) are available before this Court as and when an appeal is filed. The EHDs are returned after copying the data onto the server. Besides this, whenever an LCR pertaining to a criminal matter is summoned by the High Court, it is sent by the subordinate Court in both paper as well as Digital Formats. A CD containing the scanned data along with the physical file is sent by the subordinate Court to be placed before the High Court and on receipt of the same, the data is stored on the server of Delhi High Court for further usages.

In case of listing of the matter before e-Court, the LCR in digital format is produced before the e-Court and in case of other Courts, the physical file is produced.

However, the LCRs pertaining to civil matters is concerned, the same are received from subordinate Courts in Paper Format only. But, in case of listing of the matter before e-Court, the LCR is converted into digital format by the Registry before producing the same before e-Court and in case of other Courts, the physical file is produced.

• **CERTIFIED COPIES FROM DIGITALLY SIGNED RECORD :-**



- **ANNUAL SURVEY/STUDY OF YEAR-WISE DISPOSAL OF MATTERS :-**

Hon’ble the Chief Justice of this Court has been pleased to constitute a Committee of three Hon’ble Judges of this Court, to suggest the ways and means to reduce the pendency of cases in this Court. As and when information on Statistics is sought, the same is placed by the Registry before the said Committee for kind perusal, consideration and orders.

- **CONSIGNMENT OF CASES UPTO THEIR DESTRUCTION :-**

