

# HIGH COURT OF UTTARAKHAND AT NAINITAL

## NOTIFICATION

No. 318 /UHC/ADMIN.B/XVII-5/2025

Dated: 25 September, 2025

Keeping in view special needs of the defence personnel and their dependents, and to promote easy justice to them, Hon'ble the Chief Justice has been pleased to lay down the following guidelines for trial and disposal of cases of the defence personnel:-

- 1. Title-** These guidelines shall be referred to as the Guidelines for trial and disposal of cases of defence personnel in Uttarakhand.
- 2. Enforcement-** These guidelines shall come into effect from the date of notification.
- 3. Scope and Extent-** These guidelines shall apply to all the cases, including cases already pending in all the Courts subordinate to High Court of Uttarakhand, which relate to-
  - (a) The defence personnel, whether serving in or retired from armed forces like Army, Air Force and Navy or the Central Armed Forces like Assam Rifles, Border Security Force, Central Reserve Police Force, Sashastra Seema Bal, Central Industrial Security Force or any other specialized armed force of the Central Government, deployed for safety and security of the country.
  - (b) Dependents of defence personnel, where such defence personnel have become incapacitated (mentally or physically) or have passed away.
- 4. Identification of the cases and marking –**
  - (a) All the Courts in the first instance shall make all possible endeavour to identify cases of defence personnel pending adjudication and they shall be specially marked by way of colour code, tagging or any other convenient mode, for assigning special priority to all such cases, and such priority assignment shall be in addition to the priority areas already defined in any other rule, order of superior Court, circular letter, office instructions, etc.
  - (b) All the cases filed henceforth shall also be specially marked for the aforesaid purpose, from the date of filing itself.
  - (c) For the above purposes, relevant data shall be obtained by the Courts by all feasible means including data capturing through CIS functionality.
- 5. Expeditious Trial-** All the cases identified as above shall be assigned special priority and shall be adjudicated or disposed of as expeditiously as

possible, and while doing so the Courts shall be guided by the special rules of procedure and the legislations relating to military and other armed forces, like the Indian Soldiers (Litigation) Act, 1925, the Army Act, 1950, the Air Force Act, 1950, the Navy Act, 1950 or corresponding laws applicable to other armed forces of Central Government to which these guidelines apply, and the rules or regulations framed thereunder.

**6. Attendance of defence personnel-** Whenever attendance of the defence personnel is expedient or unavoidably required for adjudication of their cases, the Courts shall be guided by the special rules of procedure or statutory requirements of the legislations of military or other defence forces, and the timelines specified for their availability during the proceedings of their cases shall be strictly observed. It shall be ensured that such defence personnel are given appropriate precedence so that they are not made to wait unnecessarily.

**7. Detention or Restraint-**

(a) Whenever it is required by law to put any defence personnel to detention or restraint whether personal or in respect of property, or any such personnel has been detained by law enforcement agencies and is produced before the Courts or his person or property has been put to restraint, the Courts shall be guided by special rules of procedure to handle such restraints or detentions and shall ensure that any such restraint or detention is sanctioned by law.

(b) In case of any such detention of the serving defence personnel, an information shall be forwarded to his Commanding Officer and in case of retired defence personnel, an information may be forwarded to Zila Sainik Board or any equivalent institution.

**8. Special Privileges-** Courts shall always keep into consideration, while proceeding in the cases involving defence personnel, special privileges or immunity available under any law relating to the said defence personnel, and shall pass orders consistent with such laws.

**9. Stay of Proceedings-** Wherever consistent with the provisions to which the defence personnel are subject to, it is required that the Courts shall stay the proceedings for such time as may be desirable under such laws, the Courts shall accordingly take all measures that are required by such laws.

**10. Reference of cases to Lok-Adalats or Mediation-** Wherever, in appropriate cases, Courts find feasibility or scope of negotiated settlement of disputes, the Courts shall under section 89 or Order X of the Code of Civil Procedure or under provisions of the Legal Services Authorities Act, 1987 make utmost endeavour to get such cases settled

through the institutions of Lok Adalat or Mediation etc. and shall make reference appropriately at the first available opportunity and shall continue to explore any such possibility during pendency of the case.

- 11. Forwarding or Transfer of cases-** Wherever, like in service matters, Courts find that the cases of the defence personnel are triable exclusively by any forum or tribunal constituted by law, such cases shall be immediately forwarded or transferred to such forum or tribunal as the case may be, in accordance with the special legislation applicable.
- 12. Training and capacity building-** Judicial Officers of the State shall be provided such training by the Uttarakhand Judicial and Legal Academy, Bhowali, Nainital at such intervals, as may be required for updating of knowledge and capacity building on the subjects concerning the defence personnel or the special procedures in respect of the litigation of the defence personnel.

**By order of the Hon'ble Court**

**Sd/-**  
(Yogesh Kumar Gupta)  
Registrar General

No. 6712 /UHC/ADMIN.B/XVII-5/2025

Dated: 25 September, 2025

**Copy to:**

- 1.** P.P.S. to Hon'ble the Chief Justice with a request to place the same before His Lordship for kind perusal.
- 2.** All the P.S./P.A.(s) of Hon'ble Judges with the request to place it before Their Lordships.
- 3.** PS to Ld. Advocate General, Uttarakhand
- 4.** Ld. CSC/G.A. Uttarakhand.
- 5.** Chairman, Uttarakhand Bar Council, Nainital.
- 6.** President/Secretary, High Court Bar Association, Nainital.
- 7.** All District Judges/Principal Judges/Addl. Principal Judges/Judges Family Courts for information.
- 8.** Director, Uttarakhand Judicial and Legal Academy, Bhowali, Nainital.
- 9.** Member Secretary UKSLSA, Nainital.
- 10.** P.S. to Registrar General.
- 11.** All Registrar(s) of the Hon'ble Court.
- 12.** Joint Registrar (IT)/CPC of the Hon'ble Court.
- 13.** Secretary, HCLSC of the Hon'ble Court.
- 14.** All JRs/DRs/ARs/SOs of the Hon'ble Court.
- 15.** Head Bench Secretary with a request to circulate amongst all the Bench Secretaries.
- 16.** Computer Section with a request to upload the notification in official website of the Hon'ble Court.
- 17.** Librarian of the Hon'ble Court.
- 18.** Notice Board/Guard file

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