


**Sub: Circulation of copy of letter bearing no. 23889-I/F-645/Lit./2019 dated 30.09.2022 alongwith it's enclosures in respect of WPC No. 6082/2019 titled as "Karan S. Thukral vs The District & Sessions Judge & Ors."**

Copy of the abovesaid letter forwarded by the Litigation Branch, Central District, THC alongwith the copy of the order dated 16.09.2022 in the abovementioned matter passed by the Hon'ble High Court of Delhi and copy of the Writ Petition is being forwarded **with request to provide the para-wise comments in the subject matter and the information as prayed in the Writ Petition, i.e, procedure of filing of miscellaneous applications which are filed through hand in the Courts positively by 07.10.2022.** This is for information and immediate compliance to :-

1. All the Ld. DHJS, Central District, Tis Hazari Courts, Delhi.
2. All the Ld. DJS, Central District, THC, Delhi dealing with Civil Matters.
3. The Ld. Chief Metropolitan Magistrate, Central District, Tis Hazari Courts, Delhi with request to circulate the same amongst all the Magisterial courts and send the compiled report in respect of all Magisterial Courts.
4. The Ld. Registrar General, Hon'ble High Court of Delhi, New Delhi for information.
5. PS to Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi for information.
6. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the Website of Delhi District Courts.
7. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no.DJA/Dir.(Acad)/2019/4306 dated 06.08.2019.
8. Dealing Assistant, R&I Branch for uploading the same on LAYERS.
9. For uploading the same on Centralized Website through LAYERS.

  
01/10/22

(RAKESH PANDIT)

Officer-in Charge, Genl. Branch, (C)  
Addl. District & Sessions Judge,  
Tis Hazari Courts, Delhi.

**Encl.: As above.**

**OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQs): DELHI**

No. 23889-1 F-645/Lit./2019

Delhi, Dated 30 SEP 2022

To

1. Branch In-charge,  
Filing Sections,  
Central District,  
Tis Hazari Courts,  
Delhi.
2. Branch In-charge,  
Office of Ld. CMM  
Central District,  
Tis Hazari Courts,  
Delhi.
- ~~3. Branch In-charge,  
General Branch,  
Central District,  
Tis Hazari Courts,  
Delhi.~~

Sub: WPC No. 6082/2019 titled as Karan S. Thukral Vs. The District & Sessions Judge and Ors.


Sir,

The above-captioned subject matter was listed on 16.09.2022 before the Hon'ble High Court of Delhi. The Hon'ble Court has directed to file a detailed status report in the subject matter.

Therefore, it is requested to provide the para-wise comments in the subject matter within a week of the receipt of this letter.

Thanking you,

Yours faithfully,

  
Branch Incharge  
Litigation Branch

O/o the Principal District & Sessions Judge (HQs), Delhi.

Encl. : as above-mentioned.

Sub: W.P. (C) No. 6082/2019 Karan S. Thukral Vs. The District & Sessions Judge & Ors.  
NDOH: 18.01.2023.

1. In the above-captioned Writ Petition the Petitioner has prayed for:

- issuance of a writ for implementation of a uniform procedure for all miscellaneous filings including documents, applications, list of judgments etc. during the course of a proceeding/case/trial pending before a District Court; through the filing counter/filing department/registry.
- issuance of a writ directing a complete embargo on all miscellaneous filings across the bar in the District Courts except in cases which warrant an exception to be adopted in grave facts and circumstances or in cases where such miscellaneous filing or receiving of the documents directly by the Court is provided under the law.
- issuance of a writ with direction to the respondents for providing an acknowledgment/diary number/reference number qua every filing of a case or miscellaneous filing and to maintain a proper record of the same with date and particulars.

2. Placed opposite an E-mail dated 17.09.2022, received from Ms. Avnish Ahlawat, Ld. Standing Counsel (Services). The relevant paras of the E-mail is reproduced hereunder as:

*"...The matter was listed on 16.09.2022 before the Hon'ble Court and it has been directed to file reply to the said writ petition within 2 weeks from today. Kindly provide para-wise comments covering all the districts at the earliest so that the counter affidavit can be prepared and filed with the Hon'ble High Court within two weeks..."*

3. Vide an E-mail dated 23.09.2022, Ms. Avnish Ahlawat, Ld. Standing Counsel (Services) has again requested to forward the current status of filing procedure of miscellaneous applications and the solutions to the grievances raised by Petitioner, at the earliest. The relevant paras of the E-mail is reproduced hereunder as:

*"...Vide order dated 16.09.2022, two weeks' time was granted by the Hon'ble Court to file the status report, however no reply has been forwarded from your side till date. Kindly look into the matter and forward draft counter affidavit showing the current status of filing procedure of miscellaneous applications and the solutions to the grievances raised by the Petitioner, at the earliest..."*

4. A copy of Order dated 16.09.2022 passed by the Hon'ble High Court of Delhi, has been uploaded on 20.09.2022 on the official web-site of the Hon'ble High Court of Delhi and the same has been downloaded and placed opposite (Flag 'A') for kind perusal. The relevant para of the order dated 16.09.2022 may be read as hereunder:

*"...Learned Counsel for the High Court prays for four weeks' time to file a reply in the matter. She is granted four weeks' time for the same.*

*Ms. Aliza prays for four weeks' time to file a detailed status report. She granted four weeks' time for the same.*

*List on 18.01.2023..."*


In view of the above, if approved, we may be permitted to forward this office note along with the copies of E-mails and writ petition to

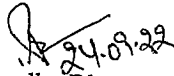
- the Branch In-charges of Filing Section, Office of Ld. CMM, Tis Hazari Courts, Delhi, with a request to collect the requisite information as prayed in the Writ

- a. Petition, i.e., procedure of filing of miscellaneous applications which are filed at the Filing Counters;
- b. the General Branch (Central), Tis Hazari Courts, Delhi, with a request to collect the requisite information as prayed in the Writ Petition, i.e., procedure of filing of miscellaneous applications which are filed through hand in the courts, from all the Courts of Central District, Tis Hazari Courts, Delhi.

The above-mentioned Branches are requested to provide the requisite information **within a week** so as to forwarding it to Ms. Avnish Ahlawat, Ld. Standing Counsel for preparation of Status Report to be filed before the Hon'ble High Court of Delhi, well in time.

Submitted please.

  
(Darshan Singh)  
Branch In-charge (Lit.)

  
(Anuradha Bhargav)  
Dealing Assistant

  
Ld. Officer In-Charge, Litigation Branch (Central)

7

\$~10.

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6082/2019

KARAN S THUKRAL

..... Petitioner

Through:

versus

THE DISTRICT & SESSIONS JUDGE & ORS ..... Respondent

Through: Mr. Shubham Mahajana, Advocate  
for respondent NO.12 for  
Respondent/RG DHC.  
Ms. Aliza, Advocate for respondent.

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

**16.09.2022**

%

Learned Counsel for the High Court prays for four weeks' time to file a reply in the matter. She is granted four weeks' time for the same.

Ms. Aliza prays for four weeks' time to file a detailed status report. She granted four weeks' time for the same.

List on 18.01.2023.

**SATISH CHANDRA SHARMA, CJ**

**SUBRAMONIUM PRASAD, J**

**SEPTEMBER 16, 2022**

aks

5

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI  
EXTRAORDINARY ORIGINAL CIVIL WRIT JURISDICTION  
IA NO. OF 2019  
IN  
WRIT PETITION (CIVIL) NO. 6422 OF 2019  
IN THE MATTER OF A PUBLIC INTEREST LITIGATION

IN THE MATTER OF:  
KARAN S. THUKRAL

PETITIONER

VERSUS

THE DISTRICT & SESSIONS JUDGE & ORS

RESPONDENTS

AMENDED MEMO OF PARTIES

KARAN S. THUKRAL  
Advocate  
S/o Mr. H. S. THUKRAL, Advocate  
THUKRAL LAW ASSOCIATES  
Office at: A-1/158, SUITE 3  
PASCHIM VIHAR  
NEW DELHI-110063

PETITIONER

VERSUS

- 1. ✓ THE DISTRICT & SESSIONS JUDGE  
TIS HAZARI COURT (HEADQUARTER)  
DISTRICT-CENTRAL, DELHI
- 2. THE DISTRICT & SESSIONS JUDGE  
DISTRICT-SOUTH  
SAKET COURT
- 3. THE DISTRICT & SESSIONS JUDGE  
DISTRICT-NORTH-WEST  
ROHINI COURT
- 4. THE DISTRICT & SESSIONS JUDGE  
DISTRICT-SOUTH-WEST  
DWARKA COURT

- 5. THE DISTRICT & SESSIONS JUDGE  
DISTRICT-EAST  
KARKARDOOMA COURT
- 6. THE DISTRICT & SESSIONS JUDGE  
DISTRICT-SHAHDARA  
KARKARDOOMA COURT
- 7. THE DISTRICT & SESSIONS JUDGE  
DISTRICT-NEW DELHI  
PATIALA HOUSE COURT
- 8. THE DISTRICT & SESSIONS JUDGE  
DISTRICT-WEST  
TIS HAZARI COURT
- 9. THE DISTRICT & SESSIONS JUDGE  
DISTRICT-SOUTH-EAST  
SAKET COURT
- 10. THE DISTRICT & SESSIONS JUDGE  
DISTRICT-NORTH  
ROHINI COURT
- 11. THE DISTRICT & SESSIONS JUDGE  
DISTRICT-NORTH-EAST  
KARKARDOOMA COURT
- 12. REGISTRAR GENERAL  
HIGH COURT OF DELHI

PLACE: New Delh  
DATE: 4/7/19

RESPONDENTS

*[Handwritten Signature]*  
PETITIONER

Through  
THUKRAL LAW ASSOCIATES  
ADVOCATES  
A-1/158, SUITE 3, PASCHIM VIHAR  
NEW DELHI-110063  
M: 9999009339

7

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI  
EXTRAORDINARY ORIGINAL CIVIL WRIT JURISDICTION  
WRIT PETITION (CIVIL) NO. OF 2019

IN THE MATTER OF A PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

KARAN S. THUKRAL

PETITIONER

VERSUS

THE DISTRICT & SESSIONS JUDGE & ORS

RESPONDENTS

INDEX

S. No.	PARTICULARS	PAGE NO.
1.	Court Fees	1
2.	Notice of Motion	2
3.	Urgent Application	3
4.	Memo of Parties	4-5
5.	Synopsis / List of Dates	6-7
6.	Writ Petition under Article 226 of the Constitution of India in Public Interest for the issuance of appropriate Writ, Order or Direction to the Respondents for implementation of a uniform procedure for all miscellaneous filings including documents, applications, list of judgments etcetera during the course of a proceeding / case / trial pending before a District Court.	8-25
8.	Vakalatnama	

PLACE:

PETITIONER

DATE:

Through

THUKRAL LAW ASSOCIATES  
ADVOCATES  
A-1/158, SUITE 3, PASCHIM VIHAR  
NEW DELHI-110063  
M: 9999009339



8

8

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI  
EXTRAORDINARY ORIGINAL CIVIL WRIT JURISDICTION  
WRIT PETITION (CIVIL) NO OF 2019

IN THE MATTER OF A PUBLIC INTEREST LITIGATION

IN THE MATTER OF:  
KARAN S. THUKRAL

PETITIONER

VERSUS

THE DISTRICT & SESSIONS JUDGE & ORS

RESPONDENTS

SYNOPSIS OF FACTS

This petition will directly benefit advocates and hundreds of litigant's individuals at large in reference to the process of filing documents, applications, documents and all miscellaneous filings during the course of a pending case, proceeding, trial before the District Courts. The Petitioner is a law-abiding citizen of India and a practicing advocate before the Hon'ble Court. The Petitioner is instituting this writ petition in the larger interest of the public.

There have been a number of cases pending in the courts but a healthy and controllable case pendency numbers reflect a competent and well-organized judicial system. Conversely, excessive case pendency renders the judicial system ineffective, resulting in loss of confidence of common people in the courts and the judicial system.

Through this present petition in the interest of the public at large, a strong and effective reform in the judicial administration of the district

courts is intended to be brought. The reform sought is focused at the ground level practice and procedure, wherein filing is done.

A case is complete with all facts and circumstances along with the supporting miscellaneous applications, other documents or evidences. Considering all these together, a court contemplates about the case and reaches a final decision in respect thereto. A plaint/pleading/suit/petition/appeal reaches the court before a judge through a systematized and uniform path only, i.e., after proper scrutiny at the filing counter. But when it comes to miscellaneous applications / written statement / replications- rejoinders / documents / amendment applications / written arguments / list of judgments and many other related filings and documents; no proper path or process has been designed or implemented. Resultantly, all these miscellaneous applications are given / handed *across the bar* directly to the presiding judge or the reader in a District Court. This non-uniform and broken process of miscellaneous filings gives room to a lot of problems to the litigants and the lawyers; which is not only limited to serious manipulations and mis-management.

Time and goal of the judicial process has to be balanced wisely because managing time in its best way helps to reach the ultimate goal of justice.

Therefore, judicial time is valuable and reaching at proper and just decision is the ultimate goal. A systematized and uniform ground level practice and procedure shall be of substantive help in reaching the just and proper decision in a case.

10

8

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI  
EXTRAORDINARY ORIGINAL CIVIL WRIT JURISDICTION  
WRIT PETITION (CIVIL) NO OF 2019

IN THE MATTER OF A PUBLIC INTEREST LITIGATION

IN THE MATTER OF:  
KARAN S.THUKRAL

PETITIONER

VERSUS

THE DISTRICT & SESSIONS JUDGE & ORS.

RESPONDENTS

WRIT PETITION UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA IN PUBLIC INTEREST FOR THE  
ISSUANCE OF APPROPRIATE WRIT, ORDER OR  
DIRECTION TO THE RESPONDENTS FOR  
IMPLEMENTATION OF A UNIFORM FILING PROCEDURE  
FOR ALL MISCELLANEOUS DOCUMENTS,  
APPLICATIONS, JUDGMENTS ETCETERA DURING THE  
COURSE OF A PROCEEDING / CASE / TRIAL, PENDING  
BEFORE A DISTRICT COURT;

TO  
THE HON'BLE CHIEF JUSTICE AND OTHER HON'BLE  
JUDGES OF THE DELHI HIGH COURT:

MOST RESPECTFULLY SHOWETH:

1. That the Petitioner has no personal interest in the litigation and the Petitioner is not guided by self-gain and there is no motive other than of public interest in filling the writ petition.
2. That the Petitioner is a practicing advocate based mainly in Delhi. The Petitioner during his course of practice has appeared in various courts and forums in India which include all District Courts of Delhi, High Court of Delhi, Hon'ble Supreme Court,

Tribunals, Consumer Courts, District Courts of Gurgaon, Pune, Bengaluru, Chandigarh, Noida, Ghaziabad, Faridabad, Bulandshahr, Haridwar, Jalandhar, Ludhiana, Panipat, Roorkee, Mohali etcetera. It is submitted that during the course of his practice the Petitioner has encountered discrepancies in the filing process adopted by the District Courts which are prejudicial and also detrimental to the public at large, specifically litigants in the interest of justice. The Petitioner's own extensive experience as a lawyer while practicing in Delhi has been the main source of knowledge of the facts alleged in the present petition.

3. That the present petition shall benefit practicing advocates in ensuring all miscellaneous applications filed are duly recorded and presented before the Hon'ble District Court. The present petition aims to streamline the process of filing miscellaneous applications and ensure the time of the Hon'ble District Court is not wasted due to objections in miscellaneous filings. Lastly the present petition shall also serve the myriad litigants by making the process of all miscellaneous filings more transparent and accountable. It is submitted that a non-uniform process ultimately harms the litigant who is unable to question the procedure applied to his case being a layman.
4. That the Respondents are learned District and Sessions Judge(s) in the District Courts of Delhi and are representative heads of the district level judiciary of Delhi. It is submitted that no other

persons/bodies/institutions are likely to be affected by the orders sought in the writ petition.

5. That the Petitioner is a practicing Advocate in Delhi and has been representing clients in relation to matters from different fields of law. He has extensive experience of practice in Delhi as well as before the Hon'ble High Court of Delhi. The Petitioner as an advocate in his professional course of legal practice has experienced severe mismanagement and mal-administration during the sequence of filing of cases, specifically in relation to procedure adopted for all miscellaneous filings in the District Courts of Delhi. The Petitioner undertakes to pay any cost(s) as and when directed by the Hon'ble Court qua the present petition.
6. The Petitioner submits that no other effective remedy is available in the present matter and as such no other similar representations have been made to any authority with respect to the present matter.

**BACKGROUND**

7. That the current filing procedure and practice is not litigant friendly. Both the advocates representing the litigants and the litigants themselves face a lot of difficulties in the current filing procedure and practice at District Courts of Delhi.
8. That the filing procedure in the Hon'ble High Court and the Hon'ble Supreme Court passes through a serious scrutiny

system by the *Registry Department* which also takes notice of the basic requirements like number of copies of pleadings to be filed, font size, line spacing, etc. However, there is a severe deficiency prevailing of a uniform practice of filing in the District Courts of Delhi.

9. That by way of the present petition, the petitioner does not seeks any prayer towards any upgradation or change in the filing procedure of the cases, however prays for a simple direction that all miscellaneous filings to be done at the filing counter / filing department / registry of the Court and preferably a complete embargo on all miscellaneous filing directly across the bar to the presiding judge or the reader.

10. That the Delhi High Court Rules govern the practice and procedures to be followed in the District Courts. As per the prevailing practice and procedures:

- The plaint/appeal is required to be filed at the filing counter.
- The advocate or litigant is required to file a checklist after checking that necessary particulars are uploaded in the computer by the concerned official.
- Thereafter the file is sent to the District Judge/Senior Civil Judge depending upon the jurisdiction, who then assigns the case to the court of competent jurisdiction.

11. That the filing practice and procedures, on the other hand, in Supreme Court of India and Delhi High Court is done in a systematized manner. The procedure is as below:

- The duly prepared plaint/appeal and even the miscellaneous applications/other documents are filed at the Filing Counter maintained by the Registry. Thereafter, a diary number as an acknowledgment is given for the reference.
- The filing is done through the Registry, where the whole file is checked properly by the Registry itself.
- If there is any objection, the Registry gets it corrected from the concerned advocate or litigant and for which a period of 7 days is given.
- Further it is mandatory for an advocate or litigant to file a Listing Performa which is verified from a checklist maintained and available with the Registry. This helps to make sure that the plaint/appeal is free from technical defects.
- Once the objections have been complied with, the case is listed for the first hearing, which can be checked on the High Court website or on the Notice Board.

12. That besides the plaint/petition/suit/appeal filed by the advocate or litigant, there are certain documents/miscellaneous applications that are relied upon by the litigant for the case pending before the court. As per the prevailing practice and procedure in the District Courts, all these documents/miscellaneous applications relied upon by the litigants are filed directly before the concerned court along with pleadings at the time of hearing.

13. The above practice of miscellaneous filings directly across the bar results into serious legal complexities in the case at a later stage. Many a times, these miscellaneous filings if not recorded

by the Court in the daily order give rise to a room of suspicion qua the date of its filing and the duration of its pendency.

14. That in comparison to the District Courts, the Hon'ble High Court requires all miscellaneous applications/other documents to be filed through the Registry Department only. It is submitted that a uniform practice is adopted by the Hon'ble Court of not receiving any documents or miscellaneous filings across the bar or through the Court master.

15. That following are the few miscellaneous applications which form a part of the case as it proceeds with every stage:

- Grant of interim relief
- Early hearing application
- Intervention application
- Addition/deletion/modification of parties
- Amendment in record
- Ex-parte Ad interim relief
- Interim Injunction
- Exemption from personal appearance
- Document taken on record
- Withdrawal of case/application
- Striking out a party
- Stay application
- Condonation of delay in filing
- Application for substitution
- Compromise R.3 O.23
- Dispensing with service of notice
- Grant of bail
- Bail cancellation
- Interim bail
- Anticipatory bail
- Application under O39 R 1 and 2
- Extension of time



- Exemption from non-appearance
- Condonation of non-appearance
- Rejoinder
- Application for hearing during vacation
- Recall of order of bailable and non-bailable warrant
- Ex-parte stay
- Exemption from paying court fee
- Appoint/discharge a next friend
- Appoint a guardian of a minor
- Amendment in the petition
- Declaring the petitioner as major
- Restoration
- Condonation of delay in filing substitution application
- Appointment of commissioner/receiver
- Exemption from filing annexures
- Grant of maintenance
- Condonation of delay in filing counter affidavit
- Interim custody of child
- Condonation of delay in filing undertaking
- Condonation of delay in filing additional documents
- Enhancing the value of compensation
- Refund of cost/court fee
- Appointment of an ad-interim receiver
- Dismissing the case
- Production of records
- Grant of further relief
- Dasti service
- Many others

16. That the mismanaged system of filing in district courts is a contributing factor to the vast pendency of cases. Given that there are not enough number of judges to equitably balance the amount of pending cases per day. Hence, if such miscellaneous application/other document are given directly to the court in continuation of a case proceeding thereto, there is always a

possible chance of misplacing it among the number of files kept on the judge's table.

17. That if the miscellaneous application/other document gets misplaced, the resultant effect cumulates, wherein not only does an advocate or the litigant incur the loss of valuable time but this also further delays or wastes a date of hearing. Further sometimes the court gives long dates which resultantly stretch the case for a longer period.

18. That many a times a miscellaneous filing due to scarcity of time does not find any mention in the daily order or record of the case. It is submitted that most of such miscellaneous filings are also done during late afternoon hours directly with the *Reader / Ahlmad* of the Court, when the presiding Judge has concluded the daily cause list and is in his chamber. Such filings with the Reader or other staff of the Court deals with no acknowledgement or diary number, and further does not in any manner find place in the Court record. These filings received are left un-mentioned in the court case file, to be addressed by the Judge on the fixed next date of hearing, irrespective of how far it is.

19. That the Petitioner during his legal practice has faced such situations wherein the non-uniform process has resulted in severe miscarriage of justice and given rise to a room of doubt and distrust. Due to confidentiality reasons and to keep the respect and dignity of the judicial system, the petitioner has

preferred to not specifically name the cases and Courts, where

such instances have occurred during the course of a trial.

However, the petitioner for the better understanding of the Hon'ble Court prefers to describe the problems by way of a few illustrations:

**ILLSTRATION 1:**

- The matter is pending before the District Court at the stage of final arguments. The Counsel for the petitioner submits oral arguments before the Court and the presiding Judge reserves a date for passing the judgment. The counsel requests the Court to allow for filing the written arguments and copies of the judgments replied upon for the assistance of the Court.
  
- A brief written synopsis with written arguments and copies of the judgments are filed by the counsel on the same day directly with the reader. The reader assures that the same is kept in the file as per procedure with no acknowledgment or reference number of the filing to the counsel.
  
- The Hon'ble Court passes a judgment with no mention of any of the judgments or the observations of the written arguments filed by the counsel. Despite the matter being disposed, the counsel mentions the matter before the Court and on request after inspecting the court file, he is confronted with the fact that the arguments and judgments filed by him in the miscellaneous way are not even a part of the court file.

- Resultantly, there is no mention of any such filing in the daily orders, nor there is any reference number or acknowledgment qua any such filing.
- In the eyes of law, technically, in the absence of any record, the counsel shall be deemed to have never filed any arguments or judgments.

**ILLUSTRATION 2:**

- The matter is pending before the District Court and the pleadings are still not completed. The defendant has not filed the Written Statement / Defense Statement since long. It has been now beyond the period prescribed under the law, and the counsel contemplates to file an application for striking of the defense.
- The Hon'ble Judge has been on leave and on one consecutive hearing the case could not be heard because of Advocates Strike.
- On the third hearing, when the matter is listed, the counsel is confronted with the fact that the written Statement / Defense Statement was filed by the counsel for the defendant in-between someday within the prescribed time, and did not find any mention in the daily orders due to the judge's unavailability.
- Resultantly, one of the parties was able to circumvent the whole procedure which the legislature envisaged for the implementation of the justice, without even coming on record.

**ILLUSTRATION 3:**

- The matter is pending before the District Court and relates to a probate of a will. The counsel for the applicant prefers to file an application for impleadment

as a party in the case with the reader of the Court during late afternoon hours.

- The reader without giving any diary number or acknowledgment informs the next date of hearing of the case and informs the counsel that the application shall be listed and taken up by the Judge on the already fixed date of hearing.
- The counsel after a month on the date of hearing appears for arguing on the admission of the application, but is shockingly informed that the application stands to be dismissed for non-appearance and non-prosecution.
- The counsel is further informed that the application was listed before the Court the next day itself of filing at 2 PM, and since nobody appeared, the application was dismissed.
- The counsel further is shocked to realize that despite the dismissal of the application filed by him, there is no mention of the application or the Order of dismissal in the Court record.
- In the absence of any records or acknowledgement with the counsel, technically the application is supposedly never filed by him in the eyes of law.

20. It is submitted that the above illustrations are only a few examples of severe problems faced by the litigants and the lawyers in general across all the District Courts. The counsel in such situations is left with no record in hand and becomes a victim of embarrassment and also questionable to the client who he is representing and who stands to be totally unaware of the process. The litigant as a result is left with no option but to

either file an appeal or a review, thereby attracting more wastage of money and time towards the representation.

21. That there exists a legitimate need to ensure through procedure that all miscellaneous filings of applications / other documents etcetera is done through the filing counter / registry / filing department and a complete embargo on accepting documents by the Court across the bar; this shall ensure that such applications / miscellaneous filings are thereby put *on record*. Further this step shall not only save the valuable time of the Court but also ensure smooth and fair proceedings before the court.

22. That an advocate is required to make appearances before several courts and forums in a given day. In case any deficiencies or objections in the application / document given directly to the court are found, such a blunder not only further delays the proceeding but also wastes the courts precious time. However, if such an application is filed through the filing counter and properly scrutinized, the concerned litigant or advocate can then and there rectify the objection, without wasting a hearing date.

23. That in some courts, a drop box has been placed for miscellaneous applications. The advocate or litigant can put the miscellaneous application in such a box and after court hours inquire about the status for the same. This is also a completely in-effective alternative adopted by the District Courts, which is no different than just a receiving drop box. It is no different

than filing the application / document with the reader of the court as no reference number / diary number or acknowledgment is provided.

24. That there is a need for proper examination of such miscellaneous applications at the stage of filing itself. This will cure any procedural defect at the initial stage only, thereby preventing further delays in the proceedings. As per the present practice and procedure, the administrative staff of the concerned court after receiving the application/document examines it at a surface level, as only the total number of pages, documents annexed as per the list and required court fees is checked. Thus, the examination done by the staff is just for limited purposes and not on technical grounds.

25. That the administrative staff of the court sometimes does not support and address the query related to any objection or shortcomings in the miscellaneous application/other document, thereby further delaying the process of filing it.

26. That if the miscellaneous applications/other documents are filed through the filing counter, a uniform and properly managed system shall prevail. A case is primarily based upon the plaint/suit/petition/ appeal filed in the court, but on later stages a litigant heavily relies on various miscellaneous applications /other documents which need to come with proper consideration before the court for the interest of justice.

27. That when a case is instituted in a court, the judge, litigant and advocate representing the litigant, wants the case to come to its judicious end with no form of delay; certainly, no judicial-administrative delay should obstruct the case.

28. That getting adjournments because of any error or short comings in the miscellaneous application/other document, also incidentally cause mental distress to the advocate or litigant. That the demographic of advocates and litigants range from the young to old. And it is taxing for an aged advocate or litigant to come to court only to have an adjournment in a case because of an error or short coming in the miscellaneous application/other document. Such physical and mental stress is suffered almost daily by every advocate and litigant.

29. That in essence the main plaint/pleading/suit/petition/appeal and, the miscellaneous applications/other documents play an equal role for a case to come to its just end and for a fair decision of the court to prevail. Therefore, the miscellaneous applications/other documents must also be made through the filing counter, instead of directly submitting to the judge in district courts.

GROUNDS

30. That the present writ petition is a matter of public interest and has been filed on the following grounds:



- A. That as per the current practice, barring the plaint and appeal. the rest of the pleadings, miscellaneous applications/other documents are presented directly to the concerned court. Since such applications are given directly in the court and are checked by the concerned court only, in case there is any error or short coming, the valuable time of the court and litigant is consumed in correcting those errors.
- B. That dilatory tactics are guised as legal objections raised by the opposite party in their reply due to direct supplying of the application/document in the courts.
- C. That the miscellaneous applications are not filed through the same filing counter in the district courts where the plaint/appeal/petition/suit is filed. And this practice sometimes fails to get the application registered in the "Register Form No. VII" as maintained by the district courts.
- D. That the practice of filing miscellaneous applications directly in court resultantly wastes the valuable time of the court, advocate and litigant.
- E. That ground level practice and procedures make the foundation for the whole case to stand on. Merely on a

simple ineffective procedure and practice of filing, justice can be prevailed or delayed. This is because; delay in the filing will indubitably delay the pending case further.

F. That only a systematic and uniform procedure and practice, enables justice to prevail unencumbered. Also, proceedings can be done expediently if objections to miscellaneous application/other documents are rectified at the filing counter only.

G. That no separate or extra infrastructure is required for allowing the prayer in the present writ petition. If appropriate directions are passed, the same filing counter / filing department can take up all the miscellaneous filings as well with a complete embargo on receiving miscellaneous filings across the bar.

H. That this Hon'ble Court possesses the extra ordinary writ jurisdiction to pass orders to safeguard the valuable judicial time.

14. That in the aforementioned facts and circumstances, it is necessary, expedient and in the public interest that this Hon'ble Court may be pleased to exercise its powers under Article 226

(24)

of the Constitution of India and grant the prayers sought for in the present petition.

15. That there is no other equally efficacious alternative remedy for the reliefs prayed for in the petition.

16. That this Hon'ble Court has jurisdiction to deal with this matter.

17. That the Petitioner has not previously filed a similar writ petition in this Hon'ble Court, in the Supreme Court of India or in any other High Court in the territory of India.

#### PRAYER

In view of the aforementioned facts and circumstances, it is humbly and respectfully prayed that this Hon'ble Court may be pleased to:

- I. Issue a writ of or in the nature of mandamus and / or any other appropriate writ, order or direction, directing for implementation of a uniform procedure for all miscellaneous filings including documents, applications, list of judgments etcetera during the course of a proceeding / case / trial pending before a District Court; through the filing counter / filing department / registry;
- II. Issue a writ of or in the nature of mandamus and / or any other appropriate writ, order or direction, directing a complete embargo on all miscellaneous filings across the bar in the

District Courts except in cases which warrant an exception to be adopted in grave facts and circumstances, or in cases where such miscellaneous filing or receiving of the documents directly by the Court is provided under the law.

III Issue a writ of or in the nature of mandamus and/or any other appropriate writ, order or direction to the respondents for providing an acknowledgment / diary number / reference number qua every filing of a case or miscellaneous filing and to maintain a proper record of the same with date and particulars.

IV. Any such further Orders/ or directions may also be passed by this Hon'ble Court which are deemed necessary as per the facts and circumstances.

AND FOR THIS ACT OF KINDNESS THE PETITIONER SHALL AS IN DUTY BOUND EVER PRAY.

PLACE:  
DATE:

PETITIONER

Through

THUKRAL LAW ASSOCIATES  
ADVOCATES  
A-1/158, SUITE 3 PASCHIM VIHAR  
NEW DELHI-110063  
M: 9999009339