


**OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE, PATIALA**  
**HOUSE COURT, NEW DELHI DISTRICT NEW DELHI**

**CIRCULAR**

In pursuance to the directions of the Hon'ble High Court of Delhi issued vide Circular No.7757-X/PSA/R&D/DHC dated 16.04.2021, all documents, notices, summons, daks through physical mode be dispensed with till further orders and such services be instead effected only through e-mail, fax, whatsapp., by the Nazarat Branch, Patiala House Court, New Delhi District except where there is a specific order of the Court(s) concerned to effect the service physically and endorsement to that effect be made by the official concerned. The necessary e-mail address and other details will be required to be furnished by the concerned party seeking to effect the service and shall mandatorily be mentioned on the process sent for service.

In so far as execution of warrants in execution petitions is concerned, the order dated 22.04.2021 passed in case titled as "*Mrs. Savitri Devi Vs. Mrs. Santoshi Bhutani & Anr*", CM (M) No. 555/2020 by the Hon'ble High Court of Delhi be complied with. Copy of this order is attached herewith.

This issues with the approval of the Ld. Principal District & Sessions Judge, New Delhi District, Patiala House Court.


  
(Preeti Parewa)  
Administrative Civil Judge  
Patiala House Court, New Delhi District, New Delhi

No. 9821-9870 /Nazarat/NDD/2021

Dated : 29/04/21

Copy forwarded for information & compliance to :

1. All the Judicial Officers, New Delhi District, PHC, ND.
2. The Administrative Officer (Judl.), New Delhi District, PHC, ND.
3. Reader/PS to Ld. Principal District & Sessions Judge, PHC, ND
4. The In-charge, Nazarat Branch, PHC, ND.
5. The dealing Assistant, R&I Section, NDD to upload on LAYERS.
6. In-charge, Computer Branch, PHC, New Delhi with directions to upload the same on the official website of the Delhi District Courts.

  
(Administrative Civil Judge)  
Patiala House Court, NDD, ND.

# HIGH COURT OF DELHI AT NEW DELHI

Office of District & Sessions Judge Pallana House Court, New Delhi
Diary No. 8487
Dated 17/4/21
New Delhi District

NO. 7757-X/PSA/R&D/DHC

Dated: 16-4-21

## CIRCULAR

In view of the spurt of number of corona positive cases in all over Delhi, the process regarding service of notice/ summons/ daks is temporarily amended and Hon'ble the Chief Justice vide order dated 13.04.2021 has been pleased to direct that the earlier circular dated 09.06.2020 be revived till 24.04.2021. The contents of the earlier circular dated 09.06.2020 are as follows:-

".....till further orders, all documents/ notices/ summons/Daks through physical mode be dispensed with, except where there is a specific order to that effect by the Hon'ble Court, and that such service be instead permitted to be effected through e-mail/fax/whatsapp. The necessary e-mail address and other details will be required to be furnished by the concerned party seeking to effect the service. The process of sending the documents/summons/Daks in electronic mode will continue to be done by the Despatch Branch/ Process Serving Agency, in co-ordination with respective judicial branches and IT Branch, from their seats only. The conventional mode of physical delivery may be permitted to be restored once the normalcy returns....."

By Circulate immediately

*[Signature]*

*[Signature]*

Registrar (PSA & R&D)

Endorsement No 7761-X /R&D/PSA/DHC

Dated 16-4-21

Copy forwarded for information to :

1. Joint Registrar-cum-Secretary to Hon'ble the Chief Justice.
2. Private Secretaries to Hon'ble Judges
3. Joint Registrar-cum-PA to Registrar General
4. All Registrars/ OSDs/ Coordinator, DIAC
5. PA to Registrar (IT) for uploading this circular on the website and intranet of this court.
6. All A.O.(J)s of Judicial Branches.

*[Signature]*

Joint Registrar (PSA & R&D)

As directed by the Registrar (PSA & R&D) the said circular may be sent to <sup>PA to</sup> Registrar (IT) for uploading it on the intranet and website of this court.

*[Signature]*

A.O.(J)/ASA PA to Registrar (IT)

*[Signature]*  
16/04/2021

P.T.O.

IN THE HIGH COURT OF DELHI AT NEW DELHI  
CM (M) 555/2020

MRS. SAVITRI DEVI (SINCE DECEASED  
THROUGH LRS) & ORS.

..... Petitioners

Through: Mr. Lalit Gupta, Mr. Siddarth Arora  
and Mr. Rakshit Goyal, Advocates.  
(M:9810355699)

versus

MRS. SANTOSH BHUTANI & ANR.

..... Respondents

Through: None

CORAM:  
JUSTICE PRATHIBA M. SINGH

% ORDER  
22.04.2021

1. This hearing has been done through video conferencing.
2. This matter has been put up on an office note in light of circular dated 16<sup>th</sup> April, 2021, which has been issued by the Registrar (PSA & R&D), of this Court in view of the Covid-19 pandemic.
3. The present petition was disposed of on 9<sup>th</sup> November, 2020, with the following directions:-

*"13. Moreover, repeated adjourning of execution petitions of decrees which are not stayed and which are executable, deprives the decree holders of extremely valuable rights specially in the case of decrees of possession, which may be granted under the DRC Act. The initial decree itself is passed after several years since filing of the petition and once the decree becomes executable, there can be no valid reason to keep adjourning execution petitions as in the manner which has been done in the present case.*

*14. Accordingly, it is directed that the execution petition shall be taken up on the date fixed i.e. 21st November, 2020 and if there is no stay on the decree, orders shall be passed*



*in accordance with law to ensure that the decree is executed. It is further directed that the District Judge of the concerned Court, namely, Central/Tis Hazari Court shall issue directions for immediate functioning of the Nazarat Branch so that the warrants of possession can be prepared in execution petitions.*

*15. Moreover, keeping in mind the area where the decree is to be executed, the Executing Court would also consider directing police aid in the first instance itself."*

4. The concern expressed is that in view of the circular dated 16th April, 2021, which has suspended physical service of processes, the Nazarat Branch may be exempted from issuing physical warrants of possession. The said Circular reads as under:

**"CIRCULAR**

*In view of the spurt of number of corona positive cases in all over Delhi, the process regarding service of notice/ summons/ daks is temporarily amended and Hon'ble the Chief Justice vide order dated 13.04.2021 has been pleased to direct that the earlier circular dated 09.06.2020 be revived till 24.04.2021. The contents of the earlier circular dated 09.06.2020 are as follows:-*

*".....till further orders, all documents/notices/ summons/Daks through physical mode be dispensed with, except where there, is a specific order to that effect by the Hon'ble Court, and that such service be instead permitted to be effected through email/fax/whatsapp. The necessary e-mail address and other details will be required to be furnished by the concerned party seeking to effect the service. The process of sending the documents/summons/Daks in electronic mode will continue to be done by the Despatch Branch/ Process Serving Agency, in co-ordination with respective judicial branches and IT Branch, from*

*their seats only. The conventional mode of physical delivery may be permitted to be restored once the normalcy returns....."*

5. The above order dated 9<sup>th</sup> November, 2020 was passed in light of the fact that execution petitions of decrees were repeatedly being adjourned due to non-preparation of the warrants of possession and non-appointment of bailiffs. However, considering the fact that physical service of processes has been suspended, due to the COVID-19 pandemic, the concerned Executing Courts would be free to pass other directions, such as directing the concerned SHO to execute the decree, and may dispense with the physical issuance of warrants of possession. The Executing Courts would also consider if the warrants of possession could be issued through email instead of by physical means.

6. Accordingly, during the operation of circular dated 6<sup>th</sup> April, 2021, the observations made in order dated 9<sup>th</sup> November, 2020 shall be given effect to in the manner possible and discretion is left to the concerned Executing Courts. The concerned District Judge may take a decision on the functioning of the *Nazarat* Branch considering the prevalent situation.

7. With these observations, the petition is disposed of.

**PRATHIBA M. SINGH, J.**

**APRIL 22, 2021/mw/T**