HIGH COURT OF HIMACHAL PRADESH, SHIMLA - 171 001

No. HHC/Rules/e-filing/2019-

Dated: 27.7.2022

RULES FOR ONLINE ELECTRONIC FILING (E-FILING) FRAMED UNDER ARTICLE 225 AND 227 OF THE CONSTITUTION OF INDIA

| Short Title, | $\overline{1}$ | These Rules shall be called "Electronic Filing | | | | | |
|-------------------|----------------|---|--|--|--|--|--|
| Applicability and | 1 | | | | | | |
| Commencement | | (e-Filing) in the High Court and District | | | | | |
| | | Courts of Himachal Pradesh Rules, 2022". | | | | | |
| | | | | | | | |
| | | These Rules shall be applicable to the High | | | | | |
| | | Court of Himachal Pradesh and to the District | | | | | |
| | | Courts and Tribunals over which it has | | | | | |
| | | | | | | | |
| | | supervisory jurisdiction. | | | | | |
| | | These Rules shall come into force from the | | | | | |
| | | date of publication in the Himachal Pradesh | | | | | |
| | | _ · | | | | | |
| Preface | 2 | Rajpatra. These Rules will apply to online e-filing and e- | | | | | |
| 1.0.00 | _ | filing through Designated Counters and | | | | | |
| | | | | | | | |
| | | facilities provided for e–filing, including e- | | | | | |
| , | | Service centers. The rules will apply to such | | | | | |
| | | categories of cases as would be notified by the | | | | | |
| | | High Court. These Rules amend and | | | | | |
| | | consolidate the existing Rules and Practice | | | | | |
| | | Directions. | | | | | |
| Definitions | 3 | 1. "Action" includes all proceedings | | | | | |
| | | instituted in the Court such as suits, | | | | | |
| | | criminal complaints, appeals, civil or | | | | | |
| | | criminal writ petitions, revision petitions, | | | | | |
| | | contempt petitions, execution petitions, | | | | | |
| | | arbitration petitions, probate cases and | | | | | |
| | | interlocutory applications. | | | | | |
| | | 2. "Administrator" means the Registrar | | | | | |
| | | (IT) or an officer appointed by the Chief | | | | | |
| | | Justice for administering and dealing with | | | | | |

- matters connected with or relating to efiling.
- 3. "Bench" means and includes one or more
 Judges assigned to adjudicate upon
 Actions or the presiding officer of the
 Court or Tribunal as the case may be.
- 4. "Physical Filing" means Actions and pleadings filed as hard copies.
- 5. "Designated Counters" means and includes those counters which find mention in Appendix-I and those that may be included or excluded from Appendix I from time to time.
- 6. "District Courts" means and includes the courts established and functioning under the control and supervision of the High Court.
- 7. "Electronic Filing (e-filing)" means e-filing as prescribed through the internet (at the web portal of the Court) and through the internet/intranet at Designated Counters, unless the context requires otherwise.
- 8. **"Evidence"** means and includes evidence as defined under the Indian Evidence Act, 1872.
- 9. "High Court" means the High Court of Himachal Pradesh.
- 10. "Objections" means and includes deficiencies and errors pointed out by the Registry in relation to the Actions instituted in the Court.
- 11. "Opposite Party" means defendant(s), respondent(s), judgment debtor(s) and non-applicant(s).
- 12. "Party" means appellant(s), plaintiff(s), petitioner(s), complainant(s) and

| | | applicant(s), 13. "Pleadings" means pleadings filed in |
|-------------------------|---|---|
| | | support or defence of an Action including |
| | | affidavits, additional affidavits and |
| | | supplementary affidavits. 14. "PDF" means an electronic document |
| | | filed in a portable document format. 15. "PDF/A" means an ISO-standardized |
| | | version of the Portable Document Format |
| | | (PDF) specialized for the digital |
| | | preservation of electronic documents. 16. "Registry" means the Registry of the |
| | | Court. 17. "Statement of Defence" means and |
| | Ì | includes written statements, replies, |
| | | counter affidavits and additional or |
| | | supplementary affidavits. 18. "Technical failure" means a failure of |
| | | the court's hardware, software, and/or |
| | | telecommunications facility which results |
| | 1 | in the impossibility of submitting a file |
| · | İ | electronically. Technical failure does not |
| | | include malfunctioning of the equipment |
| | | of the person submitting an e-file. 19. " Third Party " means and includes any |
| | | person or entity seeking to become a party |
| | | or to intervene in an Action. 20. "Working Day" means and includes a |
| | | day when the Registry of the Court is |
| | | working under the Calendar published or |
| | | as directed by the Court. |
| General Instructions | 4 | 1. Online e-filing shall be made by visiting |
| instiuctions | | the web portal of the Court, namely: |
| | | https://www.hphighcourt.nic.in/ 2. Except as provided in these Rules, |
| | | Actions, whether in fresh, pending or |
| | | disposed of cases, will be filed |
| | | electronically by an advocate or litigant in |

| | l . | person from their home, office or other |
|--------------|-------|--|
| | | remote location in the manner provided in |
| | | these Rules. |
| | | 3. Any person who is unable to access the e- |
| | | filing portal would be entitled to make use |
| | | of the facilities provided at the designated |
| | | Counters for that purpose upon payment |
| | : | of charges if stipulated. 4. The size of the e-file should not exceed 20 |
| ļ | | MB. In case the file size exceeds 20 MB. |
| | } | the Advocate or litigants should visit any |
| | | one of the Designated Centres for |
| | | enabling e- filing through the intranet. |
| Steps for | 5 | 1. Person other than Advocates and litigants |
| Registration | | in person who are already registered on |
| | | the Court web portal will take following |
| | | steps to register themselves. (i) Advocates |
| | | (a) Should visit the web portal |
| | | (https://www.hphighcourt.nic.in) to |
| | | view the form. |
| | | (b) Click the registration link. |
| | - | (c) Fill the form with requisite details.(d) Submit the filled up form along with a |
| | | self attested copy of the bar Council |
| | | Registration Certificate or Bar Council |
| | | ID-card (in PDF format only). |
| | | (ii) Litigants in person |
| | | (a) Should visit the web portal |
| | | (https://www.hphighcourt.nic.in) to |
| | | view the form. (b) Click the registration link. (c) Fill the form with requisite details. |
| | | (d) Submit the filled up form along with |
| | | the self attested copy of any identity |
| | Ì | document issued by the Government |
| | | (in PDF format only). |
| | | 2. Litigants in person shall submit an |
| | | · · · · · · · · · · · · · · · · · · · |

| | | engaged an Advocate in the Action. A |
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| | | litigant in person, who subsequently |
| | | engages an Advocate, shall make an |
| | | application before the Administrator for |
| | İ | transferring the data in respect of the |
| | | Action to the Advocate's account. Once |
| | | the Administrator allows the application |
| | | the data in the Actions shall be transferred |
| | | in the user account of the Advocate. The |
| | | litigant in person will not be in a position |
| | | to modify the data of the subject Action, |
| | | without the permission of the |
| | | Administrator. |
| | | 3. A login ID will be allotted on the next |
| | | working day if the application is found |
| | | complete in all respects. The procedure for |
| Frame of Pleadings | 6 | registration is set out in Appendix-II. The pleadings should be clear and concise. |
| | | Parties and third parties should set forth their |
| | | claims/averments in separate paragraphs. |
| | | The statement of truth/affidavit of the |
| | | concerned person must bear their signature. |
| | | Opposite parties should also file their replies |
| | | under sequentially numbered paragraphs and |
| | | headings (such as preliminary Objections and |
| | | Objections on merits). |
| Formatting | 7 | 1. All the original typed text material |
| | | including notice of motion, memorandum |
| | | of parties, main petition or appeal, |
| | | interlocutory application(s), reply, status |
| | | report, affidavit, documents, will be |
| | | prepared electronically using the following |
| | | formatting style: |
| | | Paper size: A-4Top Margin: 2 cm |
| | | Bottom Margin : 2 cm |
| | ļ | • Left Margin: 4 cm |
| | | |

| | | Right Margin: 4 cm Alignment: Justified Font: Times New Roman Font size: 16 Line spacing: 1.5 Other: For heading, font size should be 18. Times New Roman If any document is typed in local language in Trial Courts, it must be prepared using xxx Unicode Font 16. The document should be converted into Optical Character Recognition (OCR) searchable Portable Document format (PDF) or PDF/A using any PDF converter or inbuilt PDF conversion plug-in provided in the software. PDF/A is the preferred format. A document which is not a text document and has to be enclosed with the Action, should be scanned using an image resolution of 300 DPI (Dots per inch) in OCR searchable mode and saved as PDF document. The procédure for converting a document into an OCR searchable PDF as |
|--------------------|---|---|
| | | mentioned above and as required in clause |
| Digital Signatures | 8 | 8.1 is set out in Appendix-III. 1. The PDF document shall be digitally signed either by the parties and/or by their Advocate. The digital signatures shall be appended on such places on the PDF document as prescribed under the extant rules. If neither the party nor the Advocate who has been engaged possesses a digital signature, a print out of the Action shall be physically singed by the party concerned and/or their Advocate in accordance with rules and it shall thereafter be scanned and uploaded. |

| | | 2. | A list of recognized Digital Signatures |
|-----------------|-------------|-----|--|
| | | | Providers and the procedure involved in |
| | | | appending single or multiple signatures is |
| | | | set out in Appendix-IV. |
| | | 3. | A litigant in person or advocate who does |
| | | | not possess a digital signature issued by |
| | | | the competent authority can authenticate |
| | | | e-filed documents by e-Sign based on |
| Day and Daylela | 9 | 1 | Aadhaar authentication. The text documents and scanned |
| Dos and Don't's | 9 | 1. | |
| | | | documents set out in clauses 7.3 and 8.1 |
| | | | should be merged as a single OCR |
| | | | searchable PDF file and should be book |
| | | | marked as per the Master Index, duly |
| | | | approved by the Registry. The procedure in |
| | | 2. | this behalf is set out in Appendix-V. The merged documents should be |
| | | | uploaded at the time of on-line e-filing. |
| | | | Screenshots of the manner of accessing |
| | | | the on-line e-filing portal and for the filing |
| | | | of the main case and documents including |
| | | | written statements, replies and |
| | | | replications, rejoinders, affidavits and |
| | | | evidence in a pending case are set out in |
| | | 3. | Appendix – I. Once e-filing is accepted, the filing or |
| | | | registration number shall be notified to the |
| | | | Advocate or litigant in person. |
| | | 4. | In case on-line e-filing includes audio |
| | | | and/or video files, the Administrator shall |
| | | 5. | generate a hash value. Special Characters are not allowed while e- |
| | | | filing Memo of Parties and Advocate |
| | | | remarks. Document Binary File Name Standards. e following special characters are not |
| | | all | owed in a file name: • A quotation mark (") |

A number sign/Pound(#) Per cent (%) Ampersand(&) Asterisk(*) Colon (:) Angle brackets (less than, greater than) A question mark (?) Backslash (\) Forward slash (/) Braces (left and right)({ }) Pipe (1) A tilde (~) The period (.) character used consecutively in the middle of the file name or at the beginning or end of the file name. File names should not exceed 45 characters length. in including spaces. Single space must counted as one character each. Online e-filing shall not watermarked or encrypted. The efiled documents shall not contain any virus; malware, spam-ware, trojan horse or the like. All the e-filed documents shall be legible and free of markings, track changes or annotations. Payment of court Court fees and other charges can be paid Fees/ Other either electronically by purchase on the online Charges facility provided by the authorized agency or from the Designated Counters provided for the purpose in the High Court and District Courts or from any authorized court fee vendor. The Transaction ID provided upon payment of court fee and other charges is required to be entered in the appropriate field at the time of on-line e-filing.

| Retention | of | 11 | 1. Originals of the documents that are |
|-----------|----|----|--|
| Originals | | | scanned and digitally signed by the |
| | | | Advocate or the litigant in person at the |
| - | | | time of e-filing should be preserved, for |
| | | | production or inspection, as may be |
| | | | directed by the Bench. 2. The signed vakalatnama, signed and |
| | | | notarized/attested affidavit and any other |
| | | | document whose authenticity is likely to |
| | | | be questioned should be preserved, at |
| | | | least, for two years till after the final |
| | | | disposal of the Action. Final disposal shall |
| | | | include disposal of the Action by the |
| 1 | | | superior appellate court. 3. Notwithstanding anything above, the |
| | | | following documents will have to be |
| | | | preserved permanently:- (a) A Negotiable Instrument (other than a |
| | | | cheque) as defined in Section 13 of The |
| | | | Negotiable Instrument Act, 1881 (26 of |
| • | | | 1881). (b) A Power-of-Attorney as defined in Section |
| | | | 1A of the Powers-of-Attorney Act, 1882(7 |
| | | | of 1882). (c) A Trust as defined in Section 3 of the |
| | | | Indian Trusts Act, 1882 (2 of 1882). (d) A Will as defined in Clause (h) of Section |
| | | | 2 of the Indian Succession Act, 1925 (39 |
| | | | of 1925) including any other |
| | | | testamentary disposition by whatever |
| | | | name called. (e) Any contract for the sale or conveyance |
| | | | of immovable property or any interest in |
| | | | such property. (i) Any other document as may be directed |
| | | | by the Bench. 4. The responsibility of producing the |
| | _ | | originals and proving their genuineness |

| - | | shall be of the party that has electronically |
|-------------------------------|----|--|
| | | filed scanned copies of the document. |
| Access to the | 12 | Free of cost access will be available to |
| Electronic Data of the Action | | authorized person(s) to data e-filed by any of |
| the Action | | the parties to the specific Action, as is |
| | | presently being provided in pending Actions. |
| | | This facility shall be in addition to the |
| | | procedure of obtaining certified copies. |
| Exemption from e- | 13 | Exemption from online e-filing of the entire |
| filing | | pleading or a part of the pleadings and /or |
| | | documents may be permitted by the bench |
| | | upon an application being made for that |
| | | purpose in the following circumstances: i) Where on-line e-filing is for reasons set |
| | | out in the application not feasible; or ii) Where there are concerns about |
| | | confidentiality and protection of privacy; |
| | | or iii) Where the document cannot be scanned |
| | | or filed electronically because of its size, |
| : | | shape or condition; or iv) Where the on-line e-filing portal is either |
| | | inaccessible or not available for some |
| | | reason; and /or |
| | | v) For a just and sufficient cause. |
| Service of | 14 | In addition to the prescribed mode of service, |
| Electronic Documents | | notices, documents, pleadings that are filed |
| | | electronically may also be served through the |
| | | designated e-mail IDs of the Registry officials |
| : | | to the e-mail address of the advocates or |
| | | parties, if available. E-mail IDs of Registry |
| : | | officials will be published on the Court |
| | | website to enable the recipients to verify the |
| | | source of the e-mail. |
| Computation of | 15 | 1. Wherever limitation /time limits apply, it |
| Time | | will be the responsibility of the party |
| | | concerned to ensure that the filing is |
| | | carried out well before the cut-off date and |
| | | |

time. The date of e-filing will be taken as that date when the Action is electronically received in the Registry within the prescribed time on any working day. For computing the time at which e-filing is made, Indian Standard Time (IST) will apply.

- 2. E-filing through Designated Counters will be permissible up to 1600 hours on any court working day. On line e-filing carried out after 16.00 hours on any day, will be treated as the date which follows the actual filing date provided it is a court working day. Actions filed on a day declared as gazetted holiday or on a day when the court is closed, will be regarded as having been filed on the next working day. For the computation of limitation, online e-filing shall be subject to the same legal regime as applicable to physical filing, save and except as provided herein above.
- 3. The facility for on-line e-filing through the web portal shall be available during all twenty four hours of each day, subject to downtime. breakdown. server system maintenance or such other exigencies. Where on-line e-filing is not possible for any of the reasons set out above, parties approach the Designated can either Counters for e-filing between 10:00 A.M. to 04:00 P.M. on court working days or take recourse to physical filing. No exemption from limitation shall be permitted on the ground of a failure of the web based online e-filing facility.

4. Provisions for limitation governing on-line

| | | e-filing will be the same as those |
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| | | applicable to physical filing. The period of |
| | | limitation for such actions will commence |
| | | from the date when e-filing is made as per |
| | · | the procedure prescribed in these Rules. |
| Procedure for | 16 | All caveats can be filled on line. |
| Filing Caveat | | |
| Hard Copies of | 17 | Advocates, as well as parties, may print hard |
| Pleadings and Documents filed | | copies of all pleadings and documents filed |
| Electronically | | electronically for their use in the court or |
| | | elsewhere. The Registry will wherever |
| | | required prepare hard copies for official use. |
| Storage and | 18 | E-filings will be stored on an exclusive server |
| Retrieval of e-Filed | | maintained under the control and directions |
| Documents and Pleadings | | of the Court. Each such filing will be |
| Ficauligs | | separately labelled and encrypted to facilitate |
| | | easy identification and retrieval. The security |
| | | of such filings will be ensured. Access to e- |
| | | filings would be restricted in the manner |
| | | provided herein above and as may be notified |
| | | l' |
| | | from time to time. For continuity of operations |
| | | in case of disaster, natural calamity or |
| | | breakdown, a mirror image of e-filings |
| | | available on the servers located in the Court |
| | | may be maintained at different geographical |
| | | locations, as decided from time to time by the |
| | | Court. |
| Residuary | 19 | 1. The e-filing made by an Advocate/ litigant |
| provisions | | in person will be rejected if they do not |
| | | follow the protocol mandated by these |
| | | Rules or practice directions. |
| | | 2. Subject to such further directions as may |
| | | be issued, it would not be obligatory on the |
| | | part of the opposite party to accept |
| | | pleadings and documents by e-mail. In |
| | | such an eventuality, hard copies of |
| | | pleadings and documents will have to be |
| L | <u>i</u> |] |

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| | | provided to the opposite party. In such circumstances, the plaintiff/ petitioner can be called upon to deposit the charges |
|-----------------|----|--|
| | | calculated on the basis of the number of pages per defendant/respondent which are required to be photocopied. This facility will be provided by the Registry on a written request being made by the defendant(s)/respondent(s). |
| | | 3. The Registry will communicate the objections, if any, regarding the cases filed by e-mail/SMS/web hosting to the concerned Advocate/litigant in person. After the objections are cleared the case will be processed for listing and the Advocate/litigant in person will be informed including by e-mail/SMS. |
| General Caution | 20 | E-mail is not a secure medium of communication. Any communication transmitted by e-mail can be intercepted or read by a third party. An advocate or litigant in person seeking to transmit confidential or sensitive document/material, shall approach the Registry for requisite assistance/advice. |

BY ORDER OF THE

HIGH COURT OF HIMACHAL PRADESH REGISTRAR GENERAL

Endst.No.HHC/Rules/E-filing-2019- Dated: 27.7.2022

Copy forwarded for information to:

1. The Principal Private Secretary to Hon'ble the Chief Justice, High Court of H.P. Shimla.

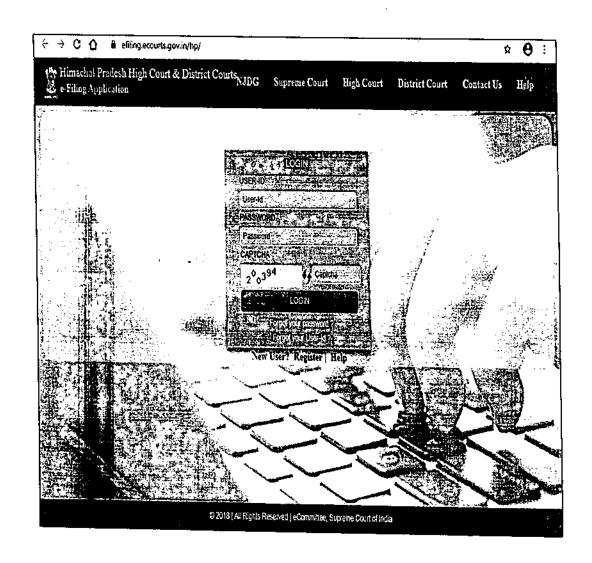
- The Secretary(ies) to Hon'ble Judges High Court of Himachal Pradesh, Shimla – 171 001.
- The Additional Chief Secretary (Home) to the Government of Himachal Pradesh, Shimla -171002.
- 4) The Advocate General Himachal Pradesh, Shimla -171001.
- 5) The L.R.-cum-Principal Secretary (Law) to the Government of Himachal Pradesh, Shimla -171 002.
- 6) The President, High Court Bar Association, Shimla, Himachal Pradesh, Shimla.
- 7) The Secretary/ Private Secretary/PAs to the Registrar General/Registrar(Judicial)/ Registrar(Vigilance)/ Registrar(Rules)/Registrar(Admn.)/ D&SJ(L/TR)/ Registrar(Establishment)/Registrar(Accounts)/ CPC, High Court of H.P., Shimla-171 001.
- 8) The District and Sessions Judges in the State of Himachal Pradesh with a request to circulate the same in the respective division(s).
- 9) The Additional Registrars (Judicial) of this Hon'ble High Court for bringing the contents of this notification into the notice of all concerned.
- 10) All the Deputy Registrars/Assistant Registrars/ Court Masters/ Chief Librarian of the High Court of Himachal Pradesh, Shimla.
- 11) The Section Officer(Computer) High Court of Himachal Pradesh for conversion into digital form.
- 12) The Technical Director, NIC of this Registry for updating the High Court website.
- 13) Guard file.

(Yogesh Jaswal) Registrar (1994)

EFILING SCREENSHOTS

APPENDIX-1

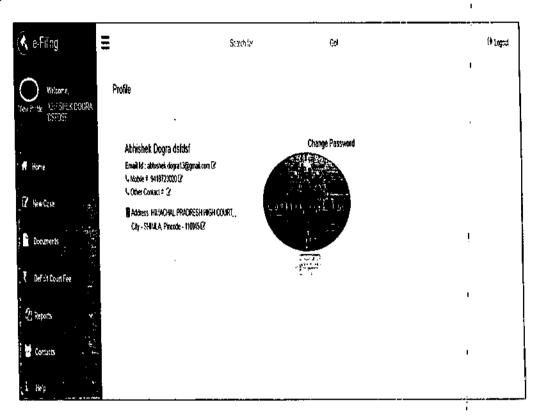
Online Portal accessing page



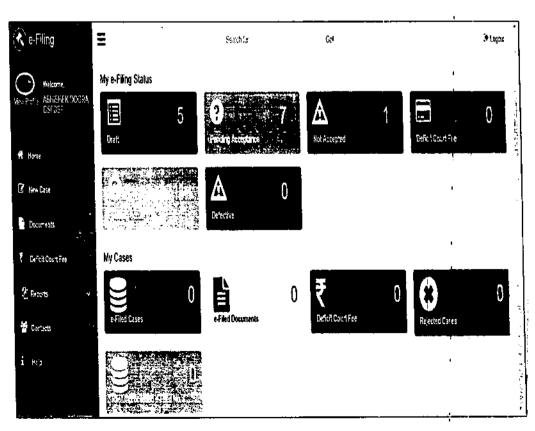
LOGIN FOR ADVOCATE

1) PROFILE

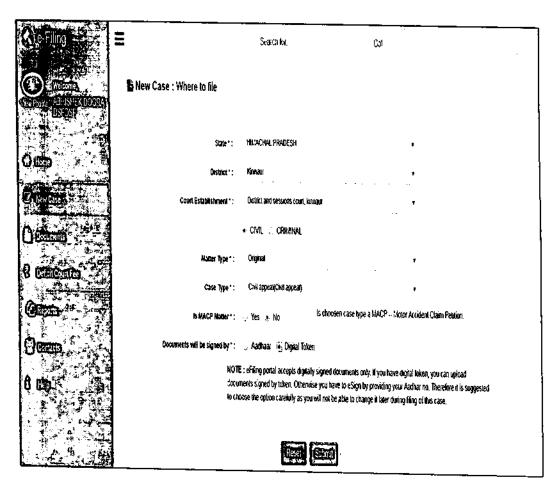
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2) DASHBOARD



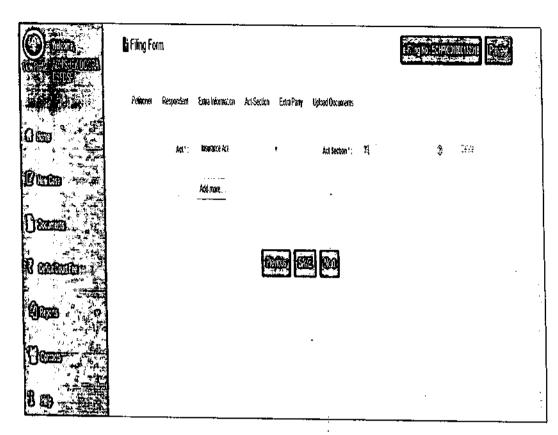
3) FILING OF NEW CASE



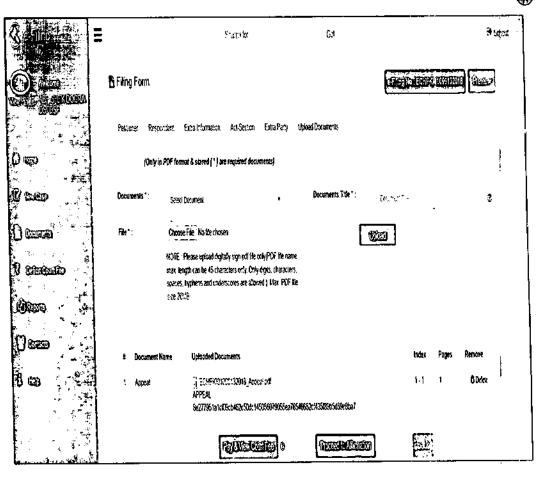
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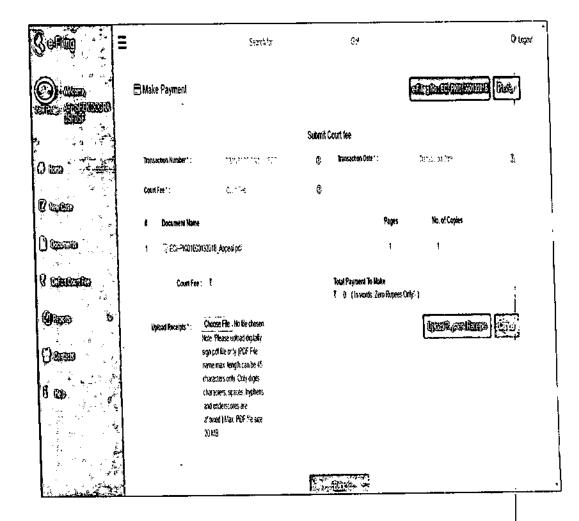
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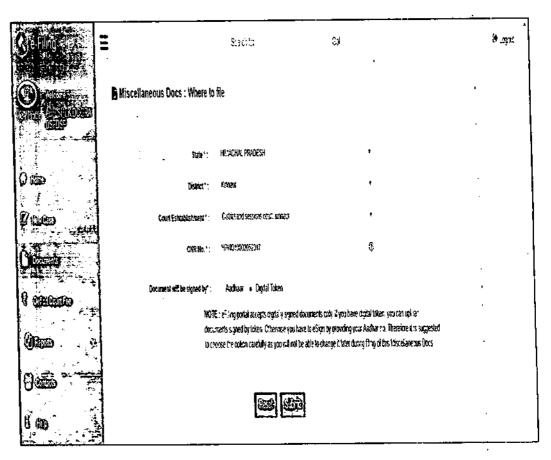
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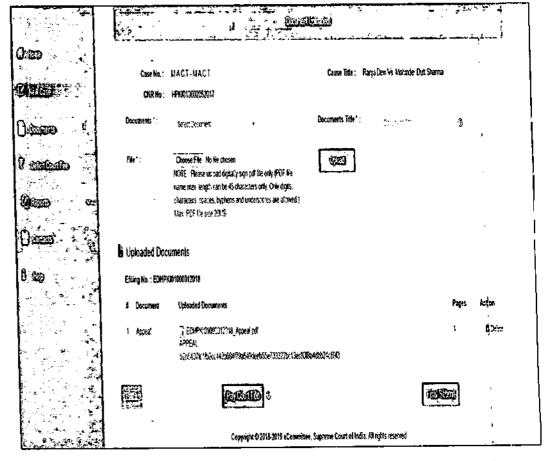
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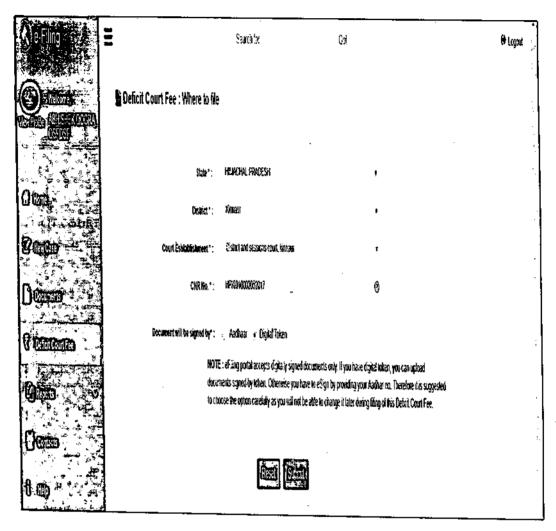
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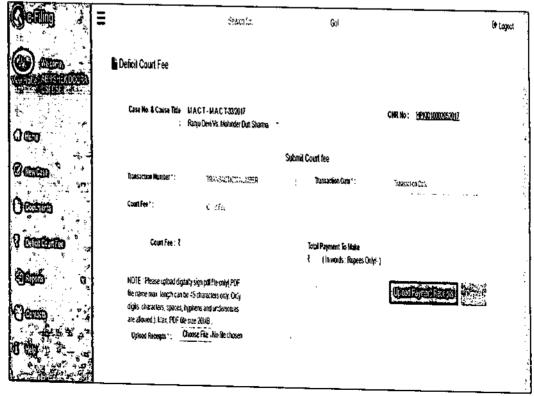
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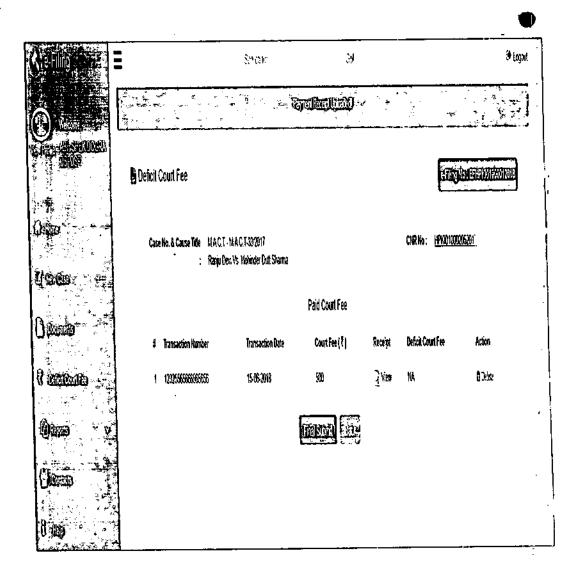




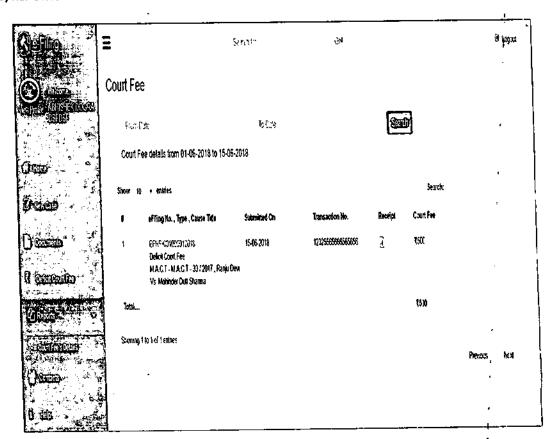
9) DEFICIT COURT FEE





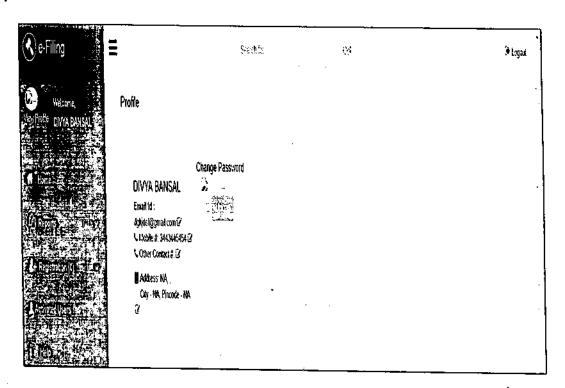


10) REPORTS -> COURT FEE DETAILS

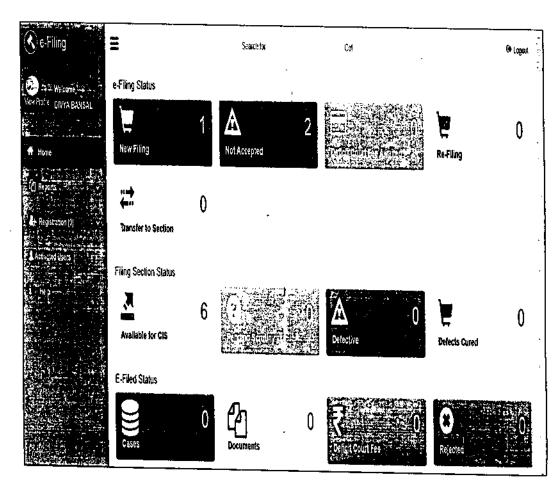


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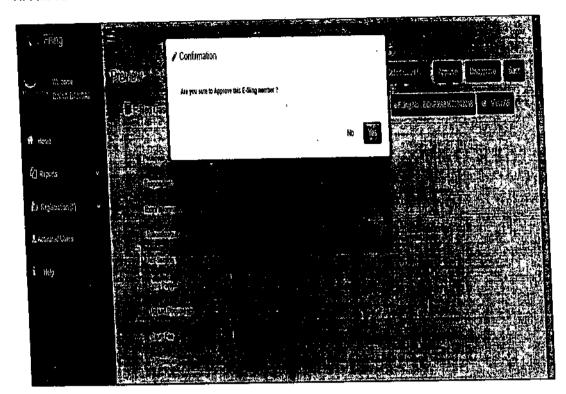


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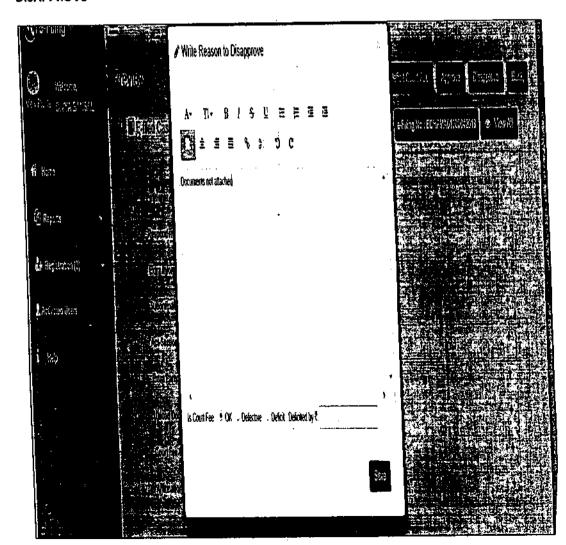
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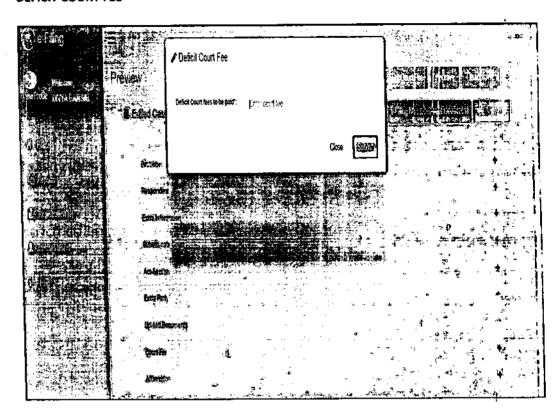


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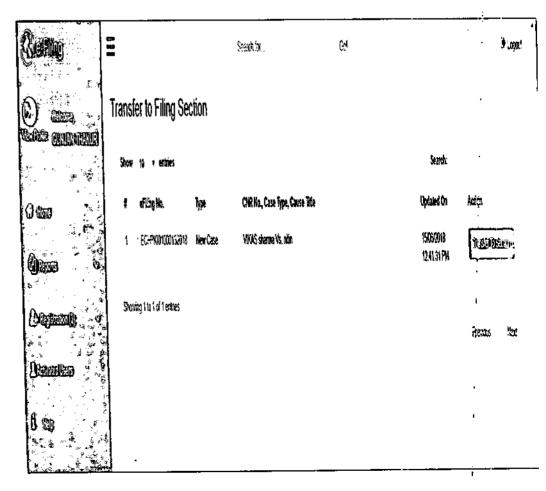


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DEFICIT COURT FEE



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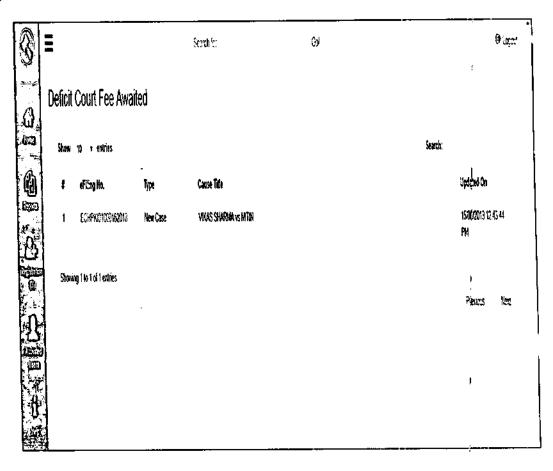
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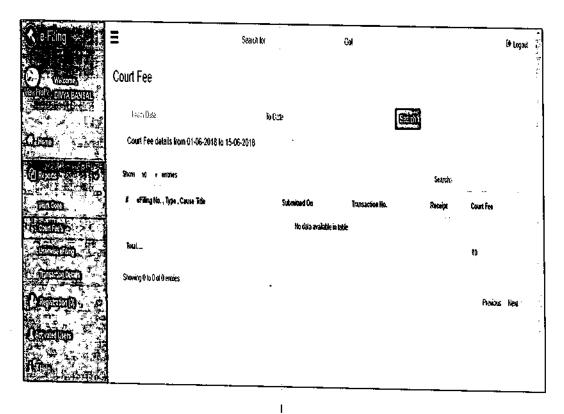
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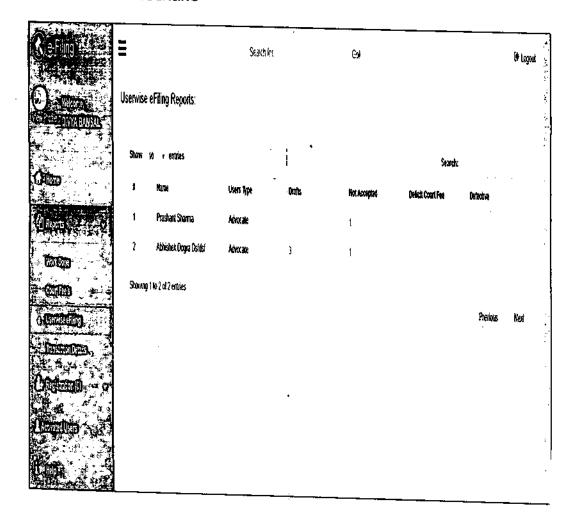
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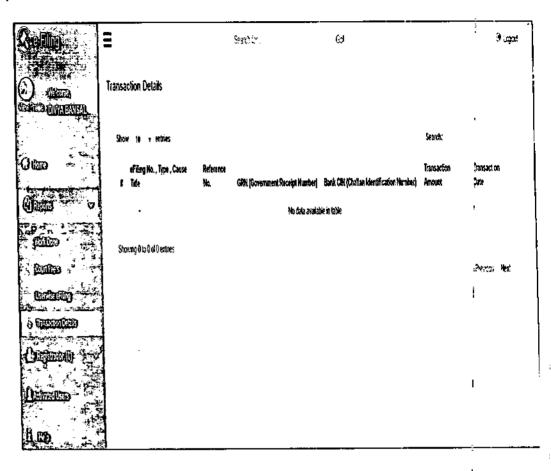
9) REPORTS -> COURT FEE



10) REPORTS -> USERWISE EFILING



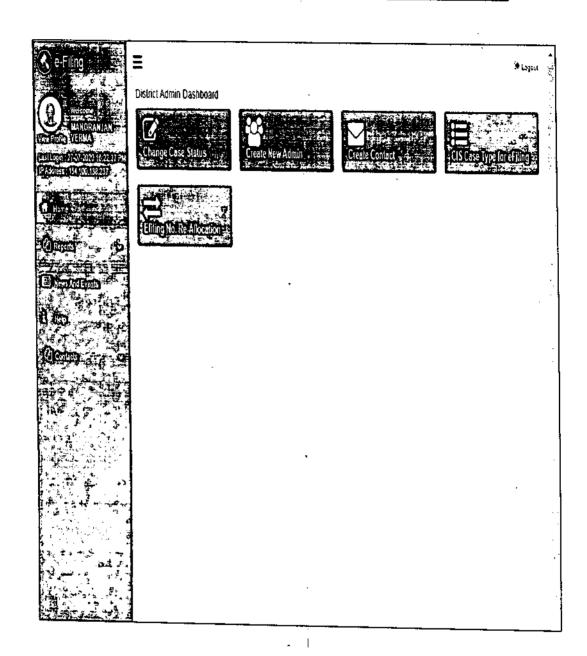
11) REPORTS -> TRANSACTION DETAILS



12) ACTIVATED USERS

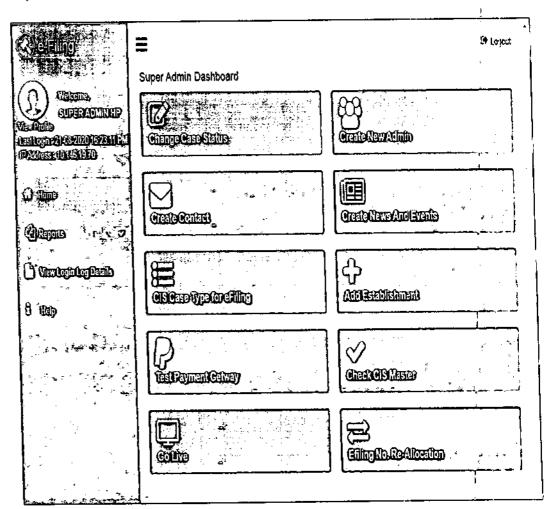
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1) DASHBOARD



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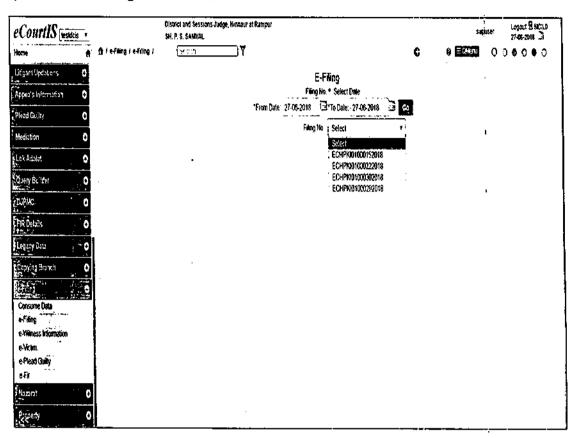
Screenshots of E-Filing after data consumption from CIS

1) CONSUME DATA

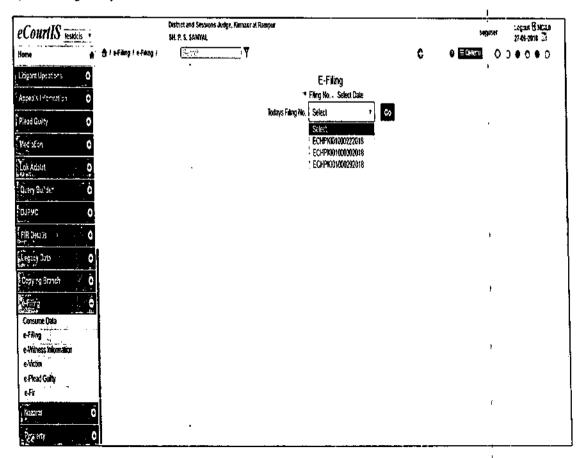
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2) E-FILING

a) Date wise extracting of e-filed cases.



b) Extracting today's e-filed cases



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c) Selecting an e-filed case for either verification or rejection

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e) Final submission of e-filed case. A filing no is generated in CIS for the e-filed case

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f) Rejecting an e-filed case.

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Logous Bucso 27-06-2818 **3** District and Sessions Judge, Kinnaur at Rampur eCourtIS lesses . SH.P. S. SAMYAL Search के। संबंधा संबंधाः E-Filing Case is Rejected *Filing No. - Select Date Litigant Updations Appeals Information Todays Filing Ho: Select Field Guilty Mediation Lox Adalat Query Suilder Consume Data. effing e-Vritness Information e-Victim e Plead Guilty 1 eFr

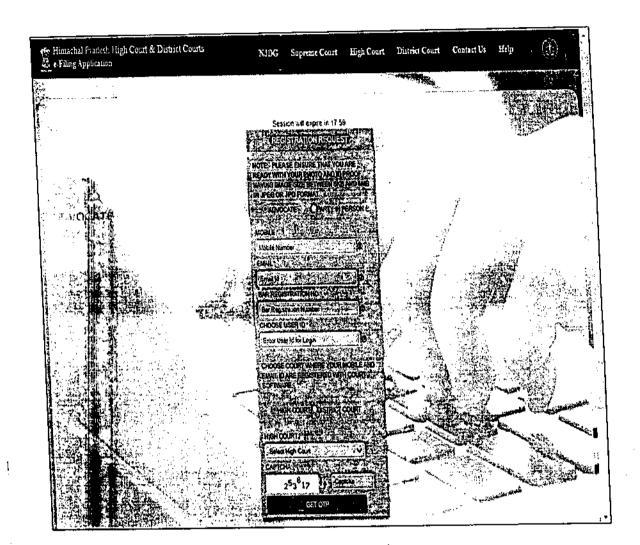
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LIST OF DESIGNATED COUNTERS

- 1. E-Filing counters set up in court complexes from time to time;
- 2. E-Seva Kendras, wherever set up;
- 3. Any other designated counters notified by High Court from time to time.

APPENDIX-II

1) ADVOCATE REGISTRATION



APPENDIX-III

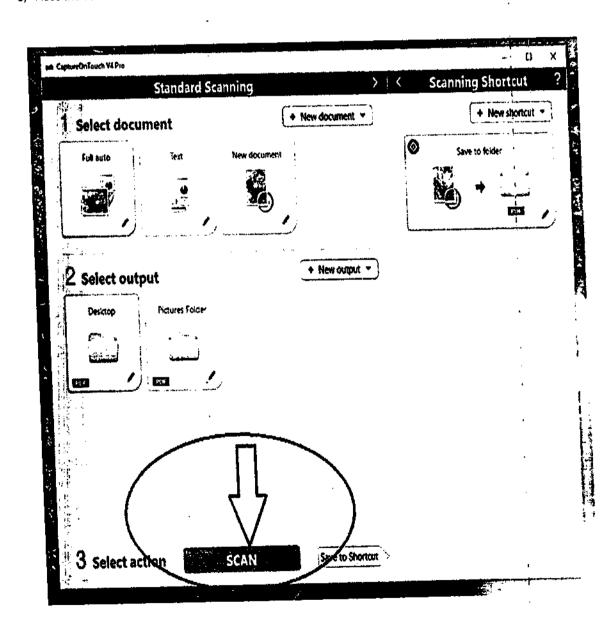
Screenshots showing the procedure for converting a document into an OCR searchable PDF.

NOTE:A scanner with an option to convert a document into an OCR searchable PDF is required.

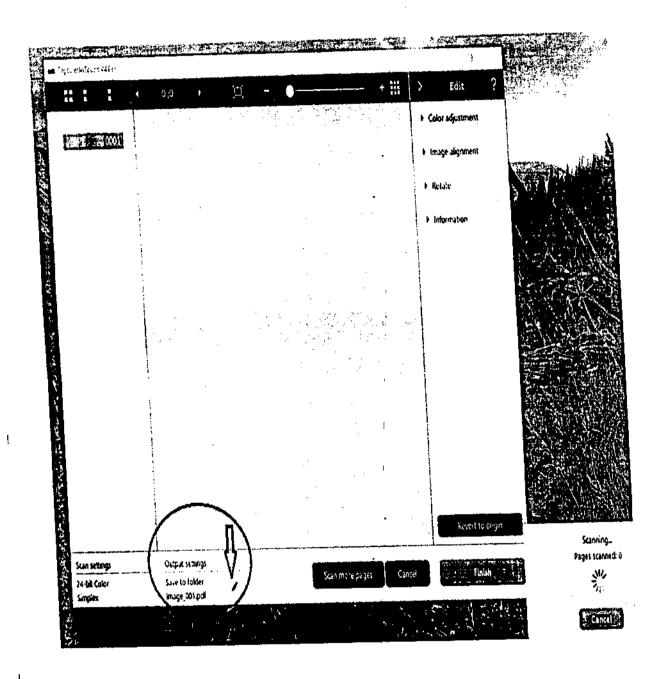
STEPS TO CONVERT A DOCUMENT INTO OCR SEARCHABLE PDF(Scanner used for this

is: Canon DRF 120)

1) Place the document in scanner and click on Scanner ICON in your system to scan the document.

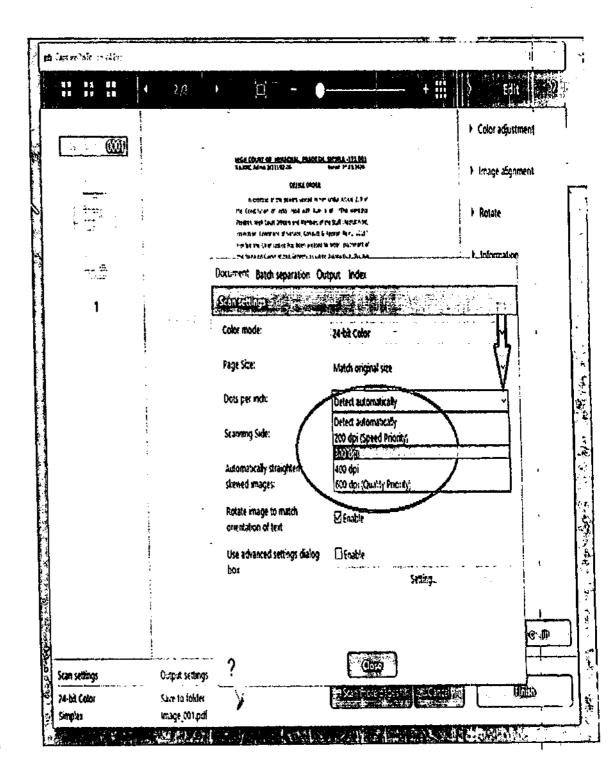


2) Click on the output button to set the settings for converting a document into an OCR searchable PDF.

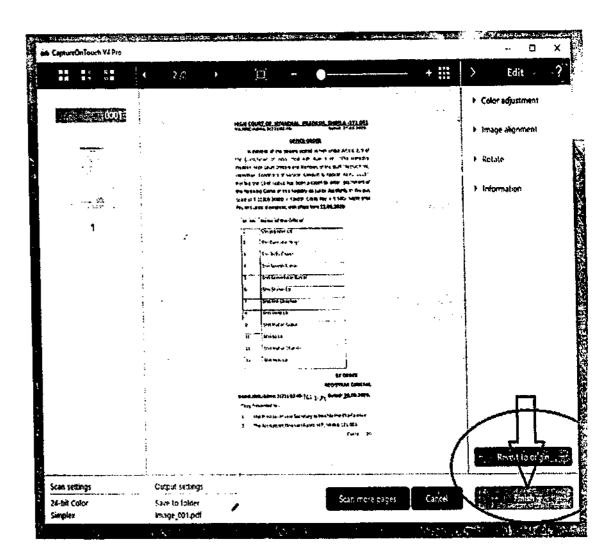


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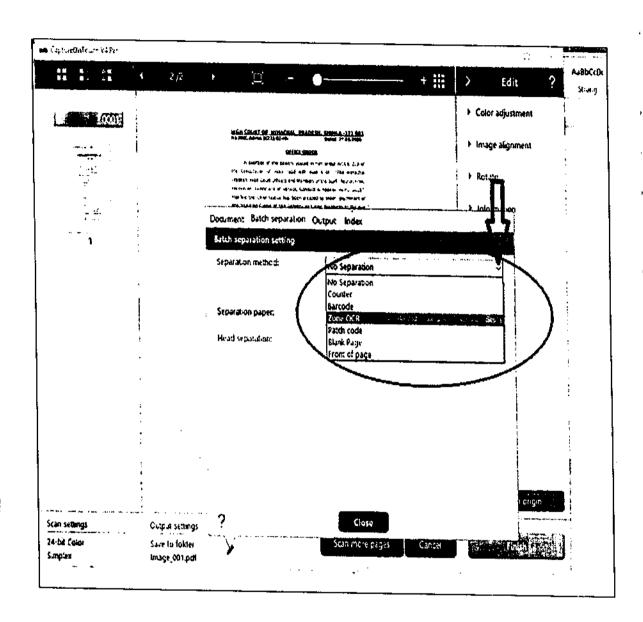
3) Select the option Dots Per Inch to 300dpi.



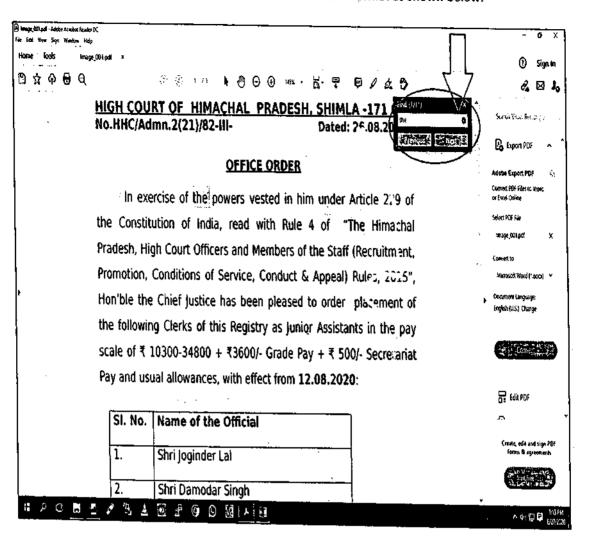
5) After settings the required option for scanning the document click on finish button.



4) Select the option Zone OCR to convert the document into OCR Format.



6) After finishing document is converted to PDF in searchable format as shown below:



APPENDIX-IV

Uploading of digitally signed affirmations

