


**OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE,
ROHINI COURTS: DELHI**

Genl./F 3(A)/N-W & N/RC/2021/..355-358(own) Delhi, dated the...06/10/2021

Copy of the circular bearing no. 78/Rules/DHC dated 28.09.2021 alongwith the practice directions dated 05.12.2019 as received from the Hon'ble High Court of Delhi is being forwarded for information and necessary action, if any to :-

1. All the Ld. Judicial Officers (**DHJS & DJS**), **North-West & North** District, Rohini Courts, Delhi (through electronic mode).
2. The Personal Office, Ld. Principal District & Sessions Judge, **North-West & North** District, Rohini Courts Complex, Delhi (through electronic mode).
3. The Dealing Official, R & I Branch, Rohini Courts, Delhi for uploading the same on LAYERS (through electronic mode).
4. The Dealing Official, Computer Branch, Rohini Courts, Delhi for uploading the same on WEBSITE (through electronic mode).


(RAKESH KUMAR-IV)
Additional Sessions Judge (NDPS)
Officer In-charge, General Branch
Rohini Courts Complex, Delhi.

HIGH COURT OF DELHI AT NEW DELHI

No. 78 /Rules/DHC

Dated: 28.09.2021

CIRCULAR

In compliance of the directions of this Court in C.R.P. 65/2021 & CM APPL. 30945/2021 titled "*Surjeet Singh Malhotra Vs. Anup Barua*", the Practice Directions No. 69/Rules/DHC/2019 dated 05.12.2019 is re-circulated to ensure that upon advance copy of a petition being served, parties ought to be represented, either by themselves or through counsels.

The same is attached herewith for ready reference.

By Order

(MANOJ JAIN)
REGISTRAR GENERAL

Endst. No. 404-429 /Rules/DHC/2021

Dated: 28.09.2021

Copy forwarded for information and necessary action to:-

1. The Principal District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.
2. The Principal District & Sessions Judge, North-West District, Rohini Courts, Delhi.
3. The Principal District & Sessions Judge, South District, Saket Courts, New Delhi.
4. The Principal District & Sessions Judge, South-West District, Dwarka Courts, New Delhi.
5. The Principal District & Sessions Judge, North District, Rohini Courts, Delhi.
6. The Principal District & Sessions Judge, South-East District, Saket Courts, New Delhi.
7. The Principal District & Sessions Judge, East District, Karkardooma Courts, Delhi.
8. The Principal District & Sessions Judge, New Delhi District, Patiala House Courts, New Delhi.
9. The Principal District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi.
10. The Principal District & Sessions Judge, North-East District, Karkardooma Courts, Delhi.
11. The Principal District & Sessions Judge, West District, Tis Hazari Courts, Delhi.
12. The Principal District & Sessions Judge-cum-Special Judge, CBI (PC Act), Rouse Avenue District Court Complex, New Delhi.
13. The Principal Judge, Family Courts (HQ), Dwarka Courts Complex, Dwarka, New Delhi.
14. The Principal Secretary (Law, Justice & LA), Govt. of N.C.T. of Delhi, Delhi Secretariat, I.P.Estate, New Delhi.
15. The President/Secretary, Delhi High Court Bar Association, Delhi High Court, New Delhi.
16. The President/Secretary, Bar Association, Tis Hazari Courts/Patiala House Courts/ Karkardooma Courts/ Rohini Courts/Dwarka Courts/Saket Court Complex.
17. The Member Secretary, Delhi State Legal Service Authority, Patiala House Courts, New Delhi with the request to forward a copy of the Notification/Practice Directions to the Secretaries of all the eleven District Legal Services Authorities.
18. The Secretary, Delhi High Court Legal Services Committee.
19. The Chairman, District Court Website Committee, Tis Hazari, Delhi for uploading the Notification/Practice Directions on the website of Delhi District Court.
20. Joint Registrar-cum-Secretary to Hon'ble the Chief Justice.
21. All Registrars/OSDs/Joint Registrars.
22. Joint Registrar-cum-P.A. to Registrar General, Delhi High Court.
23. Joint Director (IT) with the request to upload the Notification on the Intranet of this Court.
24. Librarian, Delhi High Court.
25. Private Secretaries to Hon'ble Judges for kind perusal of His Lordships.
26. Guard File.


(APARNA SWAMI)
JOINT REGISTRAR (RULES)

HIGH COURT OF DELHI AT NEW DELHI

No. 69/Rules/DHC/2019

Dated: 05.12.2019

PRACTICE DIRECTIONS

In exercise of powers conferred by Section 7 of the Delhi High Court Act, Hon'ble the Chief Justice has been pleased to issue the following Practice Directions for information and compliance by all concerned in respect of Civil Miscellaneous (Main) Petitions under Article 227 of the Constitution of India and Civil Revision Petitions under Section 115 of the Code of Civil Procedure, 1908:-

1. Advance Service of Petition:-

(a) In a Civil Miscellaneous (Main) Petition under Article 227 of the Constitution of India or Civil Revision Petition under Section 115 of the Code of Civil Procedure, 1908 arising from an order in a pending proceeding before a Court subordinate to the High Court, an advance copy of the paper book shall be served upon each opposite party or their counsel (if any) who appeared last for such opposite party in the Trial Court.

Provided that the requirement of service of advance copy of the paper book is dispensed with in respect of such opposite parties who have been proceeded ex parte before the Trial Court.

(b) In the event, the opposite party is the Union of India; a State Government, a Statutory Authority, a Public Sector Undertaking, or a Government Department etc., who may have nominated Senior / Standing Counsel; Nominated Counsel; or Empanelled Counsel, such advance copy shall be served directly upon such Counsel (other than a Senior Advocate), under written endorsement of service, and not directly served upon Union of India / State Government / the concerned department, as the case may be.

(c) The petitioner shall intimate all opposite parties in the matter about the filing and likely date of listing of the said petition. The petition shall be accompanied by written proof of such intimation and their respective service, besides indicating name (s) of all opposite parties in the matter. Once the petition has been cleared for listing by the Registry, the date of listing of the petition shall be intimated by the counsel for the petitioner to each opposite party or their counsel (if any) by phone / SMS/ email. The counsel for the petitioner shall give an undertaking to this effect in his application for urgent listing of the petition.

(d) The Advocate for the petitioner(s) shall give a written declaration indicating:-

- (i) the total number of opposite parties,
- (ii) whether all the opposite parties have been served with the advance copy of the petition and
- (iii) the mode of their service.

(b) Where the name, mobile number and email address of each opposite party or their counsel is found mentioned in the memo of parties, the Registry shall enter the same in the data management system of the High Court so that auto generated SMS / email are also sent to each opposite party or their counsel regarding the filing of the petition, its progress during scrutiny by the Registry and its date of listing.

4. Copies of pleadings, order sheets of Trial Court:-

(a) Where a Civil Miscellaneous (Main) Petition under Article 227 of the Constitution of India or Civil Revision Petition under Section 115 of the Code of Civil Procedure, 1908 is filed, the petitioner shall file the relevant pleadings of the original proceedings, relevant order sheets, issues if framed in the case, pleadings of relevant interim applications and documents which the petitioner intends to rely upon.

Provided that every endeavour shall be made to place on record pleadings / documents (other than case law) referred to in the impugned order.

(b) It shall be sufficient if copies of the documents mentioned above are filed with self certification of the counsel for the petitioner to the effect that each such document is the true copy of its respective original in the file of the Trial Court. The Registry shall not insist upon the petitioner to file certified copies of such documents.

(c) The Registry shall not list any such petition before the Court which is not accompanied with any of the documents mentioned above.

5. Appearance on the first date of listing:-

(a) Where a Civil Miscellaneous (Main) Petition under Article 227 of the Constitution of India or Civil Revision Petition under Section 115 of the Code of Civil Procedure, 1908 is filed, any opposite party desiring to oppose any of the prayers made in such petition or in any interim application accompanying such petition shall appear personally or through counsel to make submissions as he / she may desire before the Court.

(b) In case any opposite party does not appear before the Court upon advance service of the petition, the Court may not issue any further notice to such opposite party and may pass any order(s) as it may deem fit and proper in the facts and circumstances of the case.

6. No inherent right of any opposite party to file reply to the petition:-

(a) Where a Civil Miscellaneous (Main) Petition under Article 227 of the Constitution of India or Civil Revision Petition under Section 115 of the Code of Civil Procedure, 1908 is filed, ordinarily the same may be decided on the basis of the grounds raised in the petition and the record filed with the same.

(b) No opposite party as a matter of right shall be entitled to file a reply to such petition. The opposite party shall however during the course of hearing be entitled to produce copies of any relevant record intended to be relied upon. In exceptional circumstances, the Court may permit an opposite party to file a reply to such a petition.

7. Strict Compliance:-

All the Officers and Dealing Assistants at the Filing Counter shall ensure strict compliance of the above directions. The petition shall not be listed by the Registry if the same does not comply with these directions.

These Practice Directions shall come into force w.e.f. 15.12.2019.

By Order

Sd/-

(DINESH KUMAR SHARMA)
REGISTRAR GENERAL