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PART I - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

HIGH COURT
APPELLATE SIDE
CALCUTTA

NOTIFICATION

No.131-G. - 15th January, 2015 — In exercise of the powers conferred by Clauses (2) and (3) under Article 227 of the Constitution of India and with due approval of the Governor of West Bengal, the High Court of Calcutta hereby makes the following amendments in the **Civil Rules and Orders of the High Court, Calcutta**, namely:

AMENDMENTS

In addition to the existing Rules the following Rules shall be inserted :

10A: Listing of all the cases fixed for hearing on the day, shall be made available to the lawyers/litigants, either electronically or by affixing print out of such list at some conspicuous place in the court room for inspection of all concerned.

10B: The Presiding Judge shall be obliged to ensure that the data of all case pending in his Court is duly uploaded on the server on a daily basis. He shall ensure that daily proceeding in his Court is uploaded by the concerned officer of his Court in the CIS, at the end of each day, so as to ensure availability of the result of such proceeding, over the Court's website (District Court Website).

Rule 14 shall be substituted as follows :—

- (i) All pleadings, memoranda of appeals, original petition, affidavits, verified applications and papers of a similar character shall be filed in duplicate - one in soft copy of the version (.doc format or .docx format) and the other in the hard copy in the Judicial Service Centre (hereinafter called as JSC).
- (ii) The Vakalatnama shall be filed along with the hard copy of the pleadings. The Vakalatnama should contain, e-mail address, contact telephone/mobile number with full postal address.
- (iii) Name of the filing advocate with e-mail address, contact telephone, mobile number and full postal address shall also be stated in the bottom of the pleadings which will be filed at the JSC in soft version.

- (iv) Hard copy shall be either written fairly and legibly, type-written or computer printed on foolscap watermarked of legal size known as "Pie" or "cartridge" or "demi" paper obtainable from Treasury and sold by all licensed stamp vendors, one side of the paper only shall be used and a margin of 1.5 inches shall be kept at the top and bottom and on the left and right side of each paper; printer type shall be LaserJet only. Inkjet/Dot Matrix shall not be entertained. Hard copy shall be dated and signed by the person presenting and also, where necessary, by such other person as may by law be required to sign them. It shall also be signed by the scribe, typist or printer, as the case may be, who shall state the capacity in which he wrote or typed or printed the same and if he is the registered clerk of a legal practitioner, his registered number also.
- (v) Only one copy of the pleadings may be filed along with a soft copy thereof.
- (vi) Soft copies shall include scanned copies of annexures, if any.

Provided if soft copy of pleading/ annexures is not provided by the litigant, the department shall prepare the same subject to payment of fees as may be prescribed and thereafter the matter shall be listed in the Court.

- (vii) An acknowledgment of the filing can be given electronically by SMS/e-mail to the party/counsel filing the case.
- (viii) Party filing the pleading shall not be required to file CD/DVD/other electronic devices containing the document along with the pleadings. Those should be returned to them after uploading.
- (ix) All subsequent amendments, insertion of party names etc. shall also be inserted in the form of additional pleadings in soft copy (.doc format or .docx format).
- (x) All pleadings are to be filed before filing counter. If any defect is detected at the time of scrutiny before admitting the plaint/application by Sheristadar or by the Head Clerk, the same be returned briefly stating the defect and generate a defect number. The party shall take back such plaint/application and rectify the defect, quoting the defect number and after the defect number is removed the same be placed again before the Presiding Officer for his necessary order.
- (xi) All filing clerks authorized to receive filing be allotted user id/password exclusively to them and the relevant entry at the time of filing shall bear the id of the clerk who had accepted the filing. Any clerk who takes his seat as a filing clerk during absence of the filing clerk shall also be allotted his user id/ password and the entry shall also bear a trace that such clerk had used the system for that particular entry.
- (xii) Filing may be allowed to be made during Court hours.

In addition to the existing Rules the following Rules shall be inserted :

Rules 43 (A) :

- (i) Notwithstanding Rule 43, the Officer-in-charge of JSC shall take daily print out of the institution of cases from the computer system and maintain the daily printout in the form of Institution Registers with unique Identification Code for separate case types.
- (ii) The hard copies of the aforesaid Registers shall be maintained centrally as Guard Registers in ordinary course of business.

In addition to the existing Rules the following Rules shall be inserted :

Rules 49 (A) :

- (i) In Rule 49, after the word *Sheristadar*, words 'JSC' be added.
- (ii) The officer, authorized to make scrutiny of cases filed, shall hand over a standard checklist of objections containing all possible objections, particularly, those contained in Rule 49 and hand over the same to the lawyer or litigant filing the case at the time of such filing.

- (iii) Upon scrutiny, if the authorized Officer raises objections, the same shall be remedied by the lawyer or the litigant filing the case within an outer limit of seven days, failing which the same shall be placed before the Court.

In addition to the existing Rules the following Rules shall be inserted :

49 B: Cases which are filed up to 1.30 p.m. shall be listed before the concerned Court on the next day and those filed after 1.30 p.m. may be listed before the concerned Court the day thereafter, unless otherwise directed by the Court.

49 C: It shall be the prerogative of the Presiding Judge to fix up a date for first hearing of the case filed and allocated to the Court.

In addition to the existing Rules the following Rules shall be inserted :

49 D: All the cases filed at the JSC of a particular nature may be triable by all the Courts in the same station, having similar jurisdiction. All the Courts having similar jurisdiction shall try the cases within its pecuniary or other jurisdiction irrespective of territorial jurisdiction. Likewise, all the cases filed at JSC, triable by a particular class of Court in the station, shall be allocated among all such Courts, equally and evenly, either automatically by the system itself or manually.

Provided that, cases of special nature shall be allocated to the Court having jurisdiction to try such type of cases exclusively.

In addition to the existing Rules the following Rules shall be inserted :

Rule 50A: The intimation of case filed against him by a party can be sent through e-mail in addition to the existing provision of service of summons as contained in Order V of the Code of Civil Procedure, subject to payment of requisite fee.

Rule 50B: The acknowledgement of filing as well as summons issued to the parties shall contain information regarding free legal aid and Alternative Dispute Resolution. It should be displayed at the filing counter.

In addition to the existing Rules the following Rules shall be inserted :

Rule 55A:

When processes are meant for service by a Court outside the jurisdiction of the Court issuing such notice/summons, then the same may be sent by e-mail. In such case the summons signed by the Presiding Judge be scanned and attached with the mail. The recipient Court shall take a duplicate of the print out and cause service. The service report may be sent by scanning the acceptance of the notice/summons along with the report of the Process Server.

If the summons is meant for the Defendant/Opposite Party/Respondent then, in addition to the above-mentioned provisions, the already uploaded plaint/application may be attached with the e-mail while sending the same to the Out-station Court. The Party shall have to bear additional charge for each page for the print out to be taken.

Rule 59A:

- (i) Summons to Government witnesses may be given by e-mail/SMS additionally if the cell phone number and e-mail id is made available.
- (ii) All government witnesses may be served summons through their controlling officer by e-mail/FAX/SMS.

In addition to the existing Rules the following Rules shall be inserted :

Rule 121 A: It shall be obligatory on the part of the Presiding Judge to ensure that all judgments and/or orders

delivered/ pronounced in the Court are uploaded to the server in PDF/PDFA format without unnecessary delay and in no case, later than 48 hours of the pronouncement/delivery of the judgment or order so that the same may be available to the lawyers/litigants accessing the web.

In addition to the existing Rules the following Rules shall be inserted :

Rule 532 :

- (i) Notwithstanding anything contained in the aforesaid Rules, certified copies of uploaded judgments and/or orders may be given by the copying department after ascertaining and notifying of requisite court fee and filing of the same by the applicant without sending for the records from the court concerned provided it is digitally signed.
- (ii) If the judgment/order for which certified copy has been applied is not digitally signed, its certified copy may be prepared by taking print out from the judgment/order uploaded in the server but after comparing the same with its original signed by the Presiding Judge.
- (iii) Notifications regarding court fee, preparation of certified copies and its readiness for delivery may be notified to the applicant/persons concerned by publishing the same on the Court's website and also through e-mail/SMS on payment of requisite charges.

In addition to the existing Rules the following Rules shall be inserted :

Rule 588 A :

Without prejudice to the Rules for the time being in force, court fee may also be paid by using payment gateway of the major Nationalized Banks.

By order of the High Court

MIR DARA SHEKO
Registrar General
High Court, Calcutta