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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 6082/2019

KARAN S THUKRAL

..... Petitioner

Through: Mr. Sahil Ralli, Advocate (Through
Video conferencing)

versus

THE DISTRICT & SESSIONS JUDGE & ORS Respondents

Through: Mrs. Avnish Ahlawat, SC, GNCTD
with Mr. N.K. Singh, Ms. Laavanya
Kaushik and Ms. Aliza Alam,
Advocates for respondents No.1
to 11.
Ms. Shubham Mahajan, Advocate
for respondent No.12.
Mr. Abhilash Malhotra, Joint
Registrar (Judicial)(Central Project
Coordinator) High Court of Delhi.

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Date of Decision: 04th January, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. The present Public Interest Litigation (PIL) has been filed seeking the following prayers: -

- 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 filing 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 filing 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 acknowledgement/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.*

2. This Court had vide order dated 17th August, 2023 issued directions for implementation of a Centralised Filing System on pilot basis in New Delhi District. The relevant extracts of the order dated 17th August, 2023 are reproduced hereinafter:

“a. Centralized Filing System: District Courts shall centralize all filings related to ongoing and pending cases, similar to the existing procedure for new cases. This system must provide each submission with a unique filing number and issue an acknowledgment receipt to the party or attorney submitting the documents. Filing of miscellaneous applications, documents, pleadings etc. must be methodically logged at centralized filing counters, overseen by designated personnel. To achieve this, staff recruitment or augmentation may be necessary. The respective Principal District and Sessions Judges are tasked with overseeing this centralized filing mechanism's swift and effective deployment. They must also ensure that the transition is seamless and training is provided to all relevant stakeholders, thereby minimizing the disruptions in court proceedings.”

b. Temporary Inward Dak Register: Until the above measures are in place, Court Masters in all the District Courts are instructed to maintain an inward dak register. Filings related to miscellaneous applications, documents, pleadings etc. will be logged by the Court Master, who will issue an acknowledgment number to the filing counsel/ parties. This temporary system shall cease once the centralized filing is operationalized.



c. Pilot and Oversight: The Patiala House Court will serve as a testing ground for implementing the centralised filing on trial basis. Following a review by this Court, the system may then be rolled out to other District Courts.

d. Online Transition: Although a system for online filing of new cases is in existence, we are informed that the same does not provide for filing of miscellaneous applications, documents, pleadings etc. in the cases pending adjudication. In this regard, it is noticed that the Principal District and Sessions Judge, Dwarka Court, has issued an “Advisory for Filing of Cases/ Caveat/ Misc. Applications/ Bail Applications/ Misc. Documents Etc.” on 26th July, 2022, which inter alia permits filing of miscellaneous applications through the online portal [<https://efiling-dl.ecourts.gov.in>]. Noticing that there is no consistency in the procedure for online submissions of documents/ applications, we direct all the District Courts to augment their existing online filing system to incorporate a procedure for filing of miscellaneous applications, aligning them with the existing procedure for new cases. They shall also publish a manual/ handbook/ tutorial elucidating the procedure for e-filing documents by counsel/ parties, with relevant screenshots, on their website. The Information Technology Committee of this Court is requested to extend necessary aid to the District Courts for integration and operationalisation of the online filing system.”

3. In the status report filed on 09th October, 2023, it was stated that aforesaid directions have been complied with and the Centralised Filing System has been successfully implemented in Patiala House District Courts and is working efficiently.

4. During the course of the hearing on 09th October, 2023 it was also brought to the notice of this Court that in certain District Courts, records of decided cases are not being consigned to the record room by the *Ahlmad*, which is resulting in difficulties in obtaining certified copies/documents in a timely manner.

4.1. Accordingly, all District Judges were directed to ensure that after the disposal of a case, its records be immediately consigned to the record room by the custodian of the record and status report be called for. In compliance of the



said direction, the status report dated 18th November, 2023 has been filed apprising the position in respect of the consignment and weeding out of record.

5. This Court vide order dated 09th January, 2017 passed in **CRL. A. 736/2008**, titled as **State of NCT of Delhi Vs. Tarif Singh**, had issued the following directions:

“.....I direct that before the trial court record is destroyed under the Delhi High Court Rules, an information should be sought from the appellate court concerned as to whether or not the judgment rendered by the trial court has been appealed and, if so, whether such an appeal is pending. In all such cases, where a response is received with regard to the pendency of the appeal, the trial court record should not be destroyed and should be preserved. Even in cases where no positive response is received by the appellate court with regard to the pendency of the appeal, before destruction of the trial court record, the same should be scanned and saved in digitized form. The aforesaid directions be implemented forthwith by all the District and Session Court.”

6. It is stated by Ms. Shubham Mahajan, learned counsel for the Respondent No. 12, High Court, that pursuant to the aforesaid directions, the files were required to be digitized before being weeded out. She further states that the digitization process in Delhi District Courts was in the nascent stages in the year 2017. Therefore, the process of weeding out the decided cases slowed down and the pendency of files in record rooms increased astronomically.

6.1. She further states that as the District Courts were facing constraints in weeding out of record, a request was received from the District Courts to consider the aforesaid situation and the matter was placed before this Court's Information Technology Committee for considerations. She further states that the said Committee, vide Minutes of the Meeting dated 20th July, 2022 recommended to the Registry that it seeks clarification from the said Court on judicial side. She further states that thereafter, an application bearing No.



15923/2023 was filed by the Registry in **Tarif Singh** (supra), seeking clarification in respect of various directions. She further states that learned Single Judge, vide order dated 01st June, 2023, has issued following directions:-

“1. The directions in the present case were limited to criminal matters but would hereafter extend to civil matters as well.

2. The Record, except having historical importance, which has already completed the statutory period of preservation, may be weeded out as per extant rules.

3. It is not mandatory to digitize the record of each and every petty case before destruction. The Pr. District & Sessions Judge (HQ) in consultation with all the other Pr. District & Sessions Judges and Ld. OICs record rooms shall determine the category of cases which require Digitization and “petty cases” which do not require digitization.

4. The Pr. District & Sessions Judge (HQ) in consultation with all the other Pr. District & Sessions Judges and Ld. Chairman (IT & Digitization), Delhi District Courts shall chalk out an inclusive list of nature of cases/records which needs to be prioritized for digitization.

5. In cases where any appeal/revision etc. is filed in the High Court and the Trial Court Record (TCR) is required for efficient adjudication, such data of cases filed/pending in the High Court shall be made available by the Registry of the High Court to the District Court through an API/other IT interface in order to enable to District Court to flag and check pendency of appeal/revision etc in the High Court.

6. The Registry shall take steps to introduce a provision similar to Rules 1A (Volume V, Chapter 5 Part C) in the rules applicable to the district courts also, enabling District Courts to destroy the record (except perpetual).”

7. In the aforesaid facts when the matter was taken up for hearing today, a supplementary status report has been filed by Respondent No. 12, High Court, during the course of the hearing, with respect to the data of files which are ready to be weeded out in the District Courts and the timeline required to carry out the same is outlined.



7.1. Upon perusal of the said report, this Court is of the considered opinion that the steps for consignment of decided cases from courts to record room requires urgent action, since in most of the District Courts the process of consignment of files of the years 2015 to 2021 is still under progress. The report shows that approximately 7,50,000 cases have been identified and are ready to be weeded out in all the District Courts. We are of the opinion that weeding out on priority will ensure creation of required physical space in court rooms as well as the record rooms. It is therefore, imperative to carry out this process in a time bound manner.

7.2. This Court has been informed that the requisite financial sanction for digitization of record has been received from GNCTD and the Centralised Computer Committee, District Courts, is in process of issuing a tender. It is further stated that in compliance of directions issued in *Tarif Singh* (supra) the process of amending rules has been initiated by the Rules Branch of this Court.

7.3. In case of *Sarvesh vs. The Registrar General, High Court of Punjab and Haryana*¹ the bench headed by Chief Justice, Supreme Court of India has observed that the use of technology by the Bar and the Bench is no longer an option but a necessity. In the State of Delhi, post COVID-19 pandemic, the judicial eco-system has aligned towards a Hybrid Court model. The e-Courts phase-III has also emphasised on the same. In life cycle of a litigation under the ICT eco-system strengthening of e-filing and virtual hearings is cardinal and indispensable.

7.4. The issues raised in the present petition regarding non-registration of interim applications in District Courts has its roots in the issue that currently e-filing is not mandatory in all Civil jurisdictions and Criminal complaint cases. In

¹WP(CrL.) 351/2023 order dated 06.10.2023



case, facility of an e-filing is made available in all the jurisdictions, the issue of non-registration of interim applications will inevitably stand addressed.

7.5. This Court vide Notification bearing No. 12/Rules/DHC and dated 22nd February, 2022, has implemented e-filing in all the jurisdictions in this (High) Court. However, in respect of District Courts only following jurisdictions were notified for mandatory e-filing:

- (i) All suits and Applications relating to Commercial disputes under the Commercial Courts Act, 2015.
- (ii) Complaints under section 138 of the Negotiable Instruments Act, 1881.
- (iii) All Appeals and Revisions

7.6. Consequently, the practice of physical filing of pleadings, documents and interim application is still continuing in remaining jurisdictions (for instance non-commercial civil suits, family courts etc.) which are not yet notified for e-filing.

7.7. In the considered opinion of this Court, it would therefore, be in the interest of all the stakeholders that firstly, the e-filing process is made robust in the District judiciary so that parties as well as advocates can easily avail the facility of filing pleadings, documents and interim application online. Secondly, the e-filing be made mandatory in remaining Civil jurisdictions and Criminal complaint cases before the District Courts.

7.8. Simultaneously, there is need to adhere to and insist on strict e-filing of pleadings, documents and applications etc. in the jurisdictions which have been already notified under the e-filing rules. This may be achieved by gradually discouraging the acceptance of physical filing in the notified jurisdictions.



8. To achieve the aforesaid state of affairs, there is a pressing need to take dedicated measures in District Courts for first strengthening e-filing and secondly streamlining weeding out as well as digitization of disposed of record. Accordingly, this Court deems it appropriate to issue the following directions:-

- a. Centralised Filing System be implemented in all the District Courts in terms of order dated 17th August, 2023 passed in the present petition.
- b. Mandatory e-filing of pleadings, documents and interim applications shall be adhered to in the jurisdictions already notified vide notification no.12/Rules/DHC dated 22nd February, 2022 under e-filing Rules of the High Court of Delhi, 2021.
- c. The Registrar General is directed to initiate steps for extending mandatory e-filing in all remaining Civil Jurisdictions and Criminal complaint cases in District Courts, as per the e-filing Rules of the High Court of Delhi, 2021.
- d. Digitization, in a dedicated manner, be started in record rooms of all District Courts so as to digitize the record of decided cases. Necessary ICT infrastructure and manpower shall be provided to the record rooms by the concerned Principal District & Sessions Judge.
- e. Rules Branch of this Court is directed to expedite the process of amending rules as directed in case of *Tarif Singh* (supra) so that the record (except documents required to be preserved permanently) may be weeded out upon digitization in District Courts within five (5) weeks.
- f. As directed in the case of *Tarif Singh* (supra), the category of petty cases which do not require digitization and category of cases which need



to be prioritized for digitization, be chalked out on priority by Principal District & Sessions Judge (HQ) in consultation with other Principal District & Sessions Judges within two (2) weeks.

g. Criterion for cases of historical importance be finalised on priority by Principal District & Sessions Judge (HQ) in consultation with other Principal District & Sessions Judges within two (2) weeks.

h. Upon finalisation of criterion in respect of petty cases and cases of historical importance, the process to weed out files which are ready for weeding be initiated preferably within three (3) weeks in all District Courts.

i. A committee to supervise weeding out of record in all districts be constituted in all District Courts by concerned Principal District & Sessions Judges within two (2) weeks. The said committee shall comprise of a Senior District Judge rank DHJS officer, officer In-charge of records room, a DJS officer and In-charge/superintendent of records room. The committee shall carry out fortnightly review of consignment and weeding out of record in the records rooms and present its report to concerned Principal District & Sessions Judge. A quarterly report for the first quarter of 2024 shall be filed by all District Courts with the office of Registrar General of this Court for review and monitoring on or before 15th April, 2024.

j. All the learned Principal District & Sessions Judges shall ensure that certified copies of record shall be made available (to the applicant) as per rules, irrespective of position of consignment to the record rooms.



9. A Compliance report in respect of aforesaid directions be filed before next date by Registrar General.
10. List for compliance on 13th February, 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 04, 2024