

DELHI HIGH COURT (ORIGINAL SIDE) RULES, 2018

New Delhi, the 5th January, 2018 *(as amended on 25.9.2018)*

Whereas the Delhi High Court Act, 1966 was enacted to provide for the constitution of a High Court for the Union territory of Delhi, and for matters connected therewith.

And whereas the Code of Civil Procedure, 1908 was enacted and stands amended from time to time, to consolidate and amend the law relating to the procedure of the courts of civil judicature.

And whereas the Arbitration and Conciliation Act, 1996 was enacted and stands amended from time to time, to consolidate and amend the law relating to domestic arbitration, international commercial arbitration and enforcement of foreign arbitral awards as also to define the law relating to conciliation and for matters connected therewith or incidental thereto.

And whereas the Information Technology Act, 2000 was enacted and stands amended from time to time, to provide legal recognition for transactions carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as "electronic commerce", which involve the use of alternatives to paper-based methods of communication and storage of information, to facilitate electronic filing of documents with the Government agencies and further to amend the Indian Penal Code, the Indian Evidence Act, 1872, the Bankers' Books Evidence Act, 1891 and the Reserve Bank of India Act, 1934 and for matters connected therewith or incidental thereto.

And whereas the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 was enacted to provide for constitution of Commercial Courts, Commercial Division and Commercial Appellate Division in the High Courts for adjudicating commercial disputes of specified value and matters connected therewith or incidental thereto.

Now, therefore in exercise of powers conferred by Section 129 of the Code of Civil Procedure, 1908 and Section 7 of the Delhi High Court Act, 1966 (Act No. 26 of 1966), and all other powers enabling it, and in supersession of the Delhi High Court (Original Side) Rules, 1967, except as respects things done or omitted to be done before such supersession, the Delhi High Court hereby makes the following Rules, with respect to practice and procedure for exercise of its ordinary original civil jurisdiction.

**CHAPTER I
GENERAL**

1. Short title. —These Rules may be called the “Delhi High Court (Original Side) Rules, 2018”.

2. Commencement. — These Rules shall come into force with effect from 1st March, 2018.

Provided that different dates may be appointed for different provisions of these Rules and any reference in any such provision to commencement of these Rules shall be construed as a reference to coming into force of that provision.

3. Application. —All proceedings on the original side of the Court, instituted or transferred pursuant to provisions of the Delhi High Court Act of 1966, or any other law shall, unless otherwise ordered by the Court, be governed by these Rules.

4. Definitions. —In these Rules, unless the context otherwise requires:

- (a) “Advocate” means a person who is entitled to practice the profession of law under the Advocates Act, 1961 (Act No. 25 of 1961);
- (b) “Chief Justice” means the Chief Justice of the Delhi High Court and includes a person appointed under the Constitution to perform the duties of the Chief Justice;
- (c) “Code” means the Code of Civil Procedure, 1908 (Act No. 5 of 1908), as amended from time to time;
- (d) “Commercial Courts Act” means The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015, as amended from time to time;
- (e) “The Court” or “this Court” means the Delhi High Court;
- (f) “Database” means the database maintained in accordance with the programs and computer applications, specifically designed for this Court.
- (g) “Delhi High Court (Original Side) Rules, 1967” means the Rules as framed in 1967 including all amendments thereto till the framing of these Rules;
- (h) “First hearing” includes the hearing of a suit for settlement of issues and any adjournment thereof;
- (i) “Interlocutory Application” means an application in any suit, appeal or proceeding, already instituted in the Original Side of the Court, not being a proceeding for execution of a decree or order;
- (j) “Judge” means the Judge of the Court;

- (k) "Registrar" means and includes the Registrar and Joint Registrar, respectively of the Court, and includes any other officer of the Court to whom the powers and functions of the Registrar under these Rules, may be delegated or assigned;
- (l) "Registrar General" means the Registrar General of the Court.
- (m) "Registry" means the Registry of the Court;
- (n) "Seal of the Court/ Official Seal" means the Official Seal to be used in the Court such as the Chief Justice may from time to time direct
- (o) "These Rules/ Rules" mean Delhi High Court (Original Side) Rules, 2018 as amended from time to time;
- (p) "Taxing Officer" means the Taxing Officer appointed under Section 5 of the Court-fees Act, as amended from time to time, and includes the Officer of the Court whose duty is to tax costs of proceedings in the Court;
- (q) All other expressions used herein shall have the meanings ascribed to them by the Code, Arbitration and Conciliation Act, 1996 the Commercial Courts Act, the General Clauses Act, 1897 and the Information Technology Act, 2000, as amended from time to time, as the case may be.

5. Steps to be taken in the Registry.—Where by these Rules or by any order of the Court, any step is required to be taken in connection with any suit, appeal or proceeding before the Court, that step shall, unless the context otherwise requires, be taken in the Registry.

6. Period how calculated.—Where a particular number of days are prescribed by these Rules or by or under any other law, or is fixed by the Court for doing any act, the starting day from which the said period is to be reckoned shall be excluded, and if the last day expires on a day when the office of the Court is closed for the day or a part thereof, that day and any succeeding day(s) on which the Court remains closed for the day or a part thereof, shall also be excluded.

7. Forms to be used.—The forms set out by the Court, with such modifications or variations as the circumstances of each case may require, shall be used for the purpose therein mentioned. Where no form required for any purpose is prescribed, a form approved by the Registrar General, may be used.

8. How decree, order, writ etc. to run.—Every decree, order, writ-summons, warrant or other mandatory process, shall be in the name of the Chief Justice, and shall be signed by the Registrar/Joint Registrar/Deputy Registrar or any other officer specifically authorized in that behalf, with the

day, month and year of signing, and shall be sealed with the Seal of the Court.

9. Official Seal.—The Official Seal to be used in the Court shall be such as the Chief Justice may from time to time direct, and shall be kept in the custody of the Registrar General.

10. Custody of Records.—The Registrar General shall have custody of records of the Court, and no record or document filed in any cause or matter, shall be allowed to be taken out of the custody of the Court without leave of Court/Registrar General/ Registrar.

11. Hours of Sitting.—Unless otherwise ordered by the Chief Justice, the Court shall hold its sittings on all working days from 10:30 a.m. to 1:15 p.m. and from 2:15 pm to 4:30 p.m.

12. Office Hours.—The Offices of the Court shall remain open on all working days from 10.00 a.m. to 5.00 p.m. Any urgent matter filed before 12 noon shall be put before the Court for hearing on the following working day. In exceptional cases and with specific permission of the Judge-in-Charge (Original Side), it may be received thereafter for hearing on the following day.

13. Process and copying fee.—In all proceedings, on the Original Side of the Court, process fee and copying fee shall be charged in accordance with rules in force immediately before the appointed day, fixed under Section 3 of the Delhi High Court Act of 1966, or in accordance with these Rules.

14. Court's power to dispense with compliance with the Rules.—The Court may, for sufficient cause shown, excuse parties from compliance with any requirement of these Rules, and may give such directions in matters of practice and procedure, as it may consider just and expedient.

Provided where the Court/ Judge is of the opinion that Practice Directions are required to be issued, he may make a suitable reference to the Hon'ble Chief Justice.

15. Application for the above purpose.—An application seeking exemption from compliance with requirements of any of the Rules shall, in the first instance, be placed before the Registrar, who may, without interfering or dispensing with any mandatory requirements of the Rules, make appropriate order(s) thereon, or, if in his opinion, it is desirable that the application be dealt with by the Court, direct that the same be listed before the Court forthwith.

16. Inherent power of the Court not affected.—Nothing in these Rules shall be deemed to limit or otherwise affect the inherent powers of the Court to make such orders as may be necessary for the ends of justice or to prevent

Formatted: Font: 14 pt, Bold, Font color: Black, Complex Script Font: 14 pt, Bold

Formatted: Font: 14 pt, Bold, Font color: Black, Complex Script Font: 14 pt, Bold

Formatted: Font: 14 pt, Bold, Font color: Black, Complex Script Font: 14 pt, Bold

abuse of the process of Court. ~~The provisions of Annexure E to these Rules shall, with suitable adaptation be applicable to suits other than commercial suits, to the extent they are not inconsistent with each other.~~

Formatted: Font: Not Bold, Font color: Black

16A. Power of Court to punish for giving false evidence.-Where a Court concludes that any person has given false evidence within the meaning of Section 191 of the Indian Penal Code, 1860 the Court may order such person to be detained in civil prison for a term not exceeding 3 months and / or may order the attachment of the property of such person.

Formatted: Font: Bold, Font color: Black

Formatted: Font: Bold, Font color: Black

Formatted: Font: Bold, Font color: Black

17. Miscellaneous.—(1) Except to the extent otherwise provided in these Rules, applicable provisions of the Code, the Commercial Courts Act and the Information Technology Act, 2000 shall apply to all proceedings on Original Side.

(2) Reference to any gender shall, unless the context so otherwise requires, be meant and be construed as a reference to all genders.

(3) Nomenclature(s)/ Category(s) of various proceedings to be instituted on the Original Side of the Court shall be as per extant notifications/ directions.

CHAPTER II

EXERCISE OF ORIGINAL CIVIL JURISDICTION

1. Jurisdiction to be exercised by a Single Judge.—Every suit or petition coming before the Court in its Ordinary Original Civil Jurisdiction shall be tried and/ or heard by a Single Judge.

2. Reference to two or more Judges.—A Judge, before whom any suit, application or other proceeding, interlocutory or otherwise, is pending, may, if he thinks fit, refer it or any question of law, practice or procedure arising therein to the Chief Justice, for constituting a Bench of two or more Judges to decide the same. If only a question has been referred, the Judge shall, after receipt of a copy of the judgment of the Bench so constituted, proceed to dispose of such suit, application or proceeding in conformity therewith.

3. Powers of the Registrar.—The powers of the Court, including the power to impose costs in relation to the following matters, may be exercised by the Registrar:

- (1) Admission of plaints and applications and issue of summons and notices;
- (2) Application to amend the plaint, petition, written statement, replication or subsequent proceedings where the amendment sought is formal;

- (3) Application for attachment of property of absconding witness;
- (4) Inquiries directed by Court as to fitness of persons to act as trustees and receivers;
- (5) Application for leave of Court to file a plaint, when such leave is necessary;
- (6) Application under Section 52 of the Code;
- (7) Application for orders for payment of money realized in execution or otherwise deposited in Court, including uncontested applications to share assets realized under Section 73 of the Code;
- (8) Application under Orders I rules 2, 3A, 6, and 10 of the Code;
- (9) Application under Order I rule 8 of the Code for leave to sue or defend on behalf of or for the benefit of all having the same interest;
- (10) Application under Order II rule 2(3) of the Code;
- (11) (a) Issuing summons in the manner provided in Order V, rules 9 and 9A of the Code;
(b) Declaring service of summons (in accordance with these Rules and the Code);
- (12) Examining the serving officer on oath under Order V, rule 19 of the Code where summons is returned under Order V, rule 17 of the Code, and after making necessary enquiry, declaring that the summons has been duly served, or order such service, as may be considered fit;
- (13) Issuance of letter under Order V, rule 30 of the Code;
- ~~(14) Application for further and better statement of particulars under Order VI rule 5 of the Code;~~
- ~~(15)~~ (14) Application for the admission or appointment of a next friend or guardian *ad litem* of a minor or a person of unsound mind or new next friends or guardians *ad litem*;
- ~~(16)~~ (15) Application for fresh summons or notices and regarding service thereof;
- ~~(17)~~ (16) Application for orders for substituted service of summons or notice;
- ~~(18)~~ (17) Application for transmission of process for service to another court;
- ~~(19)~~ (18) Application for permission to withdraw any suit or application by consent or where the other side has not appeared;
- ~~(20)~~ (19) Application for leave to file a further or additional written statement;
- ~~(21)~~ (20) Application under Order IX rule 4 and rule 7 of the Code;
- ~~(22)~~ (21) Application for return of documents under Order XIII, rule 9(i) of the Code; and application for return of exhibits;

- | 107(17) Application to secure the attendance of witnesses and take proceedings against them for failure to comply with the summons as provided under Order XVI of the Code and to record evidence;
- | 107(18) Application for orders for discovery and for orders concerning the admission, production and inspection of documents;
- | 107(19) Application for leave to deliver interrogatories;
- | 107(20) Application for orders for transmission of a decree with the prescribed certificates, etc.;
- | 107(21) Receiving decree transferred to the Court for execution under Order XXI, rule 7 of the Code;
- | 107(22) Directing filing application to file certified copy of decree under Order XXI, rule 11 (3) of the Code;
- | 107(23) Application under Order XXI, rule 14 of the Code requiring the applicant to produce a certified copy from the register, kept in the office of the Collector;
- | 107(24) Considering execution application under Order XXI, rule 17 of the Code;
- | 107(25) Issuing process for execution under Order XXI, rule 24 of the Code and examining the officer entrusted with execution of process, if he was unable to execute the process under Order XXI, rule 25 of the Code;
- | 107(26) Application for execution of a document or for endorsement of negotiable instrument under Order XXI, rule 34 of the Code;
- | 107(27) Application for examination of judgment-debtor as to his property under Order XXI, rule 41 of the Code;
- | 107(28) Application for discharge from custody for non-payment of subsistence money;
- | 107(29) Application for leave under Order XXI, rule 50(2) of the Code, except where liability is disputed;
- | 107(30) Application for issue of proclamations of sale under Order XXI, rule 66, and for direction as to publication thereof under Order XXI, rule 67 of the Code;
- | 107(31) Application under Order XXII of the Code for bringing on record legal representatives of a deceased party;
Provided that no order of substitution or revival shall be made by the Registrar—
 - (i) where a question arises as to whether any person is or is not a legal representative of the deceased party; or
 - (ii) where a question of setting aside the abatement of the cause is involved.

In such cases as (i) and (ii) above, the Registrar shall, after making an inquiry, place the matter, with his report and findings, before the Judge in Chambers;

- (47) Application for special directions to the office concerned as to service or execution of any process of the Court;
- (48) Application for orders for withdrawal of attachment or for return of a warrant;
- (49) Application for statement of names, and disclosure of partners and their addresses under Order XXX, rules 1 and 2 of the Code;
- (50) Application for orders requiring a party to suit to produce and leave with the Registrar any document, not in English language in his possession, for purpose of being officially translated;
- (51) Application for orders for production of records or documents, or accounts filed in such records before any other court;
- (52) Application for issue of a precept to another court for production of a record of such court or of notice or summons to a public officer for production of public records or registers;
- (53) Application for taxation and delivery of bills of costs;
- (54) Application for confirmation of sale and issuance of certificate of sale to purchaser of immovable property;
- (55) Any other interlocutory application, directed by the Judge hearing the case, to be placed for disposal before the Registrar;
- (56) Application for particulars;
- ~~(48) Application for better statement of claim or defence;~~
- (57) To give notice of deposit by defendant to the plaintiff under the Code;
- (58) After comparing original of documents, produced by parties, with their respective copies, certifying said copies for identification and returning original to the respective party; and causing copy(s) to be filed on record;
- (59) Giving exhibit marking or identification marks on document(s) after filing of affidavits of admission/denial as also directing production of originals, or granting dispensation from filing original(s) for reasons to be recorded;
- (60) Application under Order XXXIII of the Code, except those filed under rule 9 thereof;
- (61) An uncontested application, except those that may result in final disposal of the suit or exceeding in whole or in part, in respect of all or any of the parties;

- | 100(15) Application seeking withdrawal of Vakalatnama of Advocate and discharge by Advocate;
- | 100(16) Application seeking exemption from filing original document(s) along with pleadings, or seeking leave to file original document(s) within the time stipulated by these Rules;
- | 100(17) Registering and issuing summons/ notices in suits under Order XXXVII of the Code;
- | 100(18) Application seeking extension of time to file court fee in accordance with these Rules;
- | 100(19) Passing orders pertaining to renewal of fixed deposits, where money is deposited pursuant to an order passed in any proceeding by Court;
- | 100(20) Issuing notice under Sections 14 and 17 of the Arbitration Act, 1940 and directing Arbitrators(s) to file record(s) of arbitration in Court;
- | 100(21) Applications for enlargement or abridgment of time including applications to foreclose the right to file the written statements and replies or applications seeking extension of time for leading evidence and foreclosing the right to lead evidence; and
- | 100(22) Such other application, as by these Rules are directed to be so disposed of by the Registrar, but not included in this Rule and any other matter, which in accordance with orders or directions issued by Court, is required to be dealt with by the Registrar.

4. Expeditious disposal.-The Registrar shall endeavour to expeditiously dispose of all applications that are within his power under Rule 3 of this Chapter.

5. Appeal against the Registrar's orders.-Any person aggrieved by any order made by the Registrar, under Rule 3 of this Chapter, may, within fifteen days of such order, appeal against the same to the Judge in Chambers. The appeal shall be in the form of a petition bearing court fees of Rs.2.65.

6. Delegation of the Registrar's Powers.-The Chief Justice and his companion Judges may assign or delegate to a Joint Registrar, Deputy Registrar or to any officer, any functions required by these Rules to be exercised by the Registrar.

CHAPTER III FORM OF PLEADINGS

1. Proceedings how written.-(a) Every plaint, written statement, application, petition and the like presented to Court:—

- (i) shall be in English;

- (ii) shall, subject to Annexure C to these Rules, be fairly and legibly type written, lithographed or printed in double spacing on one side of A4 size white paper with an inner margin of about three centimeters width on top and on the left side, one centimeter on the right side and two centimeters on the bottom;
- (iii) shall in its cause title state “in the High Court of Delhi” and shall state the jurisdiction, whether Original, Civil, Testamentary or Intestate etc. in which it is presented;
- (iv) shall be divided into paragraphs that are numbered consecutively, each paragraph containing, as nearly as may be, a separate allegation; and comply with requirements of the Code;
- (v) shall be paginated numerically. Alpha numerical pagination will not be accepted.

(b) *Dates*—Where Saka or other dates are used, corresponding dates of Gregorian calendar shall also be given.

(c) *Memo of parties*—Full name, parentage and other particulars as stipulated in Rule 3 of this Chapter, describing each party, shall be provided. If a party sues or is sued in a representative character, it shall be so set out at the beginning of the plaint, petition, application, written statement or reply and need not be repeated in subsequent proceedings in the same suit or matter.

(d) The names of parties shall bear consecutive numbers and a separate line should be allotted to the name and description of each party. These numbers shall not be changed, and in the event of death of a party during pendency of the suit or matter, his heirs or representative, if more than one, shall be shown by sub-numbers. Where fresh parties are brought in, they may be numbered consecutively in the particular category, in which they are brought in.

(e) Every plaint, petition, original proceeding or application shall state, immediately after the cause title, the provision of law under which it purports to be made. To the extent plaintiff/ party/ his Advocate is aware, that the subject matter of the suit/ petition/ original proceeding being instituted is also directly and substantially the subject matter of any pending litigation in the Court, a suitable endorsement to that effect shall be made below the non-filing clause of such plaint, petition, original proceeding or on the index of any other application. **The plaint shall contain a statement certifying authenticity of document(s)/ copies(s) filed.**

2. Endorsements and verification.—At the foot of every pleading there shall appear the name, enrolment number, address, phone number, mobile number, e-mail id and all other contact particulars of the Advocate and shall

be signed by the Advocate, if any, who has drawn it. It shall also contain the name of a Senior Advocate/ Advocate, who may have settled it. Every pleading shall be signed and verified by the party concerned in the manner provided by the Code. Registry shall return, with objections, any pleadings that do not comply with this Rule.

3. Particulars to be stated in address for service.—The address for service shall be filed with every initial pleading, petition or application on behalf of a party, and shall as far as possible contain the following:—

- (i) the name of the road, street, lane or municipal or other number of the house/ apartment/ office/ residential, commercial or industrial location;
- (ii) the name of the town or village;
- (iii) the post office or postal district;
- (iv) the phone number(s), mobile number(s), fax number(s) and electronic mail address(es), if any; and
- (v) any other particulars necessary to identify the addressee.

4. Initialing alteration etc.—Subject to Annexure_C to these Rules, every interlineation, erasure or correction in any pleading, petition or application or like document, shall be initialed by the party and/ or his recognized agent/ Advocate presenting it.

5. Translation of documents—(1) No document in a language other than English, intended to be used in any proceeding before Court, shall be received by the Registry, unless it is accompanied by an English translation thereof,

- (i) agreed to by all parties; or
- (ii) certified to be a true translation
 - (a) by an Advocate engaged, in the case; or
 - (b) by any other Advocate, whether engaged in the case or not, provided the Advocate engaged in the case authenticates such certification; or
- (iii) prepared by an official translator of the Court; or
- (iv) prepared by an official translator from authorities/ bodies duly recognized by the Court, Central or State Governments; or
- (v) prepared by a translator specially appointed or approved for the purpose by the Registrar.

6. Service of Petitions under the Arbitration and Conciliation Act, 1996.—Where an application/ petition is filed under Sections 9, 11, 14, 15, 27, 34 or 37 of the Arbitration and Conciliation Act, 1996, an advance copy thereof, together with annexures thereto, if any, shall be served upon each opposite party. 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), underwritten endorsement of service, and not directly served upon Union of India/ State Government/ the concerned department, as the case may be.

The applicant/ petitioner shall also intimate all opposite parties, in the matter, about the filing and likely date of listing of the said application/ petition. The application/ 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. The application/ petition shall not be listed by the Registry unless it complies with this Rule.

7. Non-filing clause.-(i) Every original proceeding shall state that no such similar proceeding in the same matter has previously been filed and without that statement, such original proceeding shall not be accepted.

(ii) Any application/ petition filed under Section 9 of the Arbitration & Conciliation Act, 1996, shall mandatorily contain a statement to the effect that no other petition on the same cause of action has been filed in any other Court.

CHAPTER IV PRESENTATION OF PLEADINGS, OTHER DOCUMENTS AND MAINTENANCE OF CASE FILES

1. Presentation at the counter.—(a) Subject to Annexure C to these Rules, all complaints, petitions, applications and **documents**

shall be presented by the plaintiff, petitioner, applicant, defendant, respondent, or filing party in person/ his duly authorized agent/ an Advocate, duly appointed by him for the purpose, at the filing counter. All such documents filed in Court shall be accompanied by an index containing their details and page numbers. Non-compliant pleadings/ documents with this Rule will result in return with objections by the Registry of the filed pleading/ documents.

(b) The Registry will ensure that complaints, petitions, applications and documents are placed in the appropriate part of the concerned files soon after they are presented.

(c) Sufficient number of copies of the complaint, petition, application or document shall also be filed for service on the opposite party(s).

(d) Where copy(ies) of document(s) are filed, its index shall specify as to in whose custody, power and control are the original(s) thereof. The plaintiff shall also specify in the index, whether original(s) of documents filed by the plaintiff are in whose custody, power, control and possession are the originals thereof, and on what basis plaintiff makes the said statement.

(e) Where a document, on the basis of which plaintiff sues, or a defence is taken or a counter-claim is made, is an entry in a shop book; other accounting records; or an electronically maintained record, the plaintiff/defendant/ filing party respectively, shall file a certificate from an internal accountant or an external auditor, confirming correctness of the same, besides filing an affidavit under Section 65B of the Indian Evidence Act, 1872, wherever applicable.

(f) Along with the plaint, the plaintiff shall also be entitled to file applications for (i) interrogatories for examination of the defendant together with proposed interrogatories; (ii) discovery; and (iii) inspection of documents.

(g) Documents shall be filed only with a list of documents. No document shall be filed as annexure to any pleading.

(h) A list of dates/ brief synopsis shall be filed along with the suit/ plaint/ petition.

2. Endorsement and scrutiny of documents.-The officer in charge of the filing-counter shall endorse the date of receipt on the plaint, petition, application or document and also on the duplicate copy of the index and return the same to the filing party.

3. Defective pleading/ document.-(a) Upon ~~Upon~~ scrutiny, if any the pleading(s)/ document(s) is found defective, the Deputy Registrar/ Assistant Registrar, Incharge of the Filing Counter, shall specify the objection(s), a copy of which will be kept for the Court Record, and return for **removal of objection(s)** ~~amendment~~ and re-filing within a time not exceeding 7 days at a time and 30 days in aggregate. **On every re-filing caveat clearance shall be taken. In addition, the party must again serve the corrected copy upon the caveator(s) who had a valid caveat at the time of the first filing.**

(b) If the pleading(s)/ document(s) ~~are~~ is not taken back for amendment **removal of objection(s)** within **30 days** the time allowed under sub-rule (a), it shall be registered and listed before the Court for its dismissal for non-~~prosecution~~ **listed before the Court for appropriate orders.**

Formatted: Font: 14 pt, Bold, Complex Script Font: 14 pt, Bold

Formatted: Font: 14 pt, Bold, Complex Script Font: 14 pt, Bold

Formatted: Font: 11 pt, Complex Script Font: 11 pt

Formatted: hang-2, Indent: First line: 0 cm

The 30 day period for the purpose of (a) and (b) above, shall commence from the date when the Registry raises the objections on the pleading/document filed.

(c) If the pleading(s)/ document(s) are ~~is~~ filed beyond the time allowed under sub-rule (a) **it shall** ~~the pleading/ document must be~~ accompanied with an application for condonation of delay in re-filing ~~of the said pleading/ document.~~

~~(d) Any party aggrieved by any order made by the Registrar under this Rule may, within fifteen days of the making of such order, appeal against it to the Judge in Chambers.~~

4. Registration of proceedings admitted.—On admission, relevant data of all matters, shall be entered into the Database.

5. Matters to be entered into the Database.—Relevant data of following matters shall be entered into the Database, namely: -

- (i) rejected plaint;
- (ii) civil suit;
- (iii) documents filed in civil suit or any other original proceeding;
- (iv) miscellaneous application;
- (v) decree received for execution from other court;
- (vi) execution application;
- (vii) particulars of Commissioner(s) as contained in Rule 7 of Chapter XII Rule of these Rules;
- (viii) particulars of Receiver(s) as contained in Rule 3 of Chapter XIX of these Rules; and
- (ix) every other filing on the original side.

The Database shall be kept on the Original Civil Side by such officer(s) as the Registrar may, subject to orders of the Chief Justice, direct and shall be continuously updated.

6. Ex-parte amendments.—Amendments to pleading, made only for purpose of rectifying some clerical errors, may be made on an order of the Registrar without notice to the other party.

7. Issuance of summons.—Notwithstanding anything contained in the Code, the Court may, in the first instance itself, order issuance of summons/ notices to opposite party by any or all modes of service provided in the Code and Rule 1(e) of Chapter VI of these Rules.

8. Arrangement of record in pending matters. — The record of a suit shall be divided into the following parts:-

- (i) main file or part I of the suit record;
- (ii) interlocutory application file or Part II of the suit record;
- (iii) documents file or Part III of the suit record;

- (iv) evidence file or Part IV of the suit record; and
- (v) miscellaneous file or Part V of the suit record.

9. Contents of main file (Part I of the suit record).—The main file or Part I of the suit record shall comprise of two sub-parts, I-A and I-B.

Part I-A shall be kept in the following order—

On the left hand side of the file following documents shall be kept: -

- (i) index;
- (ii) order sheet;
- (iii) judgment and decrees; and
- (iv) copy of the judgment and decree of the appellate court or courts, if any.

On the right hand side of the file, following documents shall be kept: -

- (i) index;
- (ii) plaint together with any schedule annexed thereto/ latest amended plaint, together with any schedule annexed thereto;
- (iii) written statement(s) together with any schedule annexed thereto/ latest amended written statement(s) together with any schedule annexed thereto;
- (iv) replication(s) together with any schedule annexed thereto/ latest amended replication(s) together with any schedule annexed thereto;
- (v) any other pleading relating to counter claim together with any schedule annexed thereto, etc.;
- (vi) list of witnesses;
- (vii) valuer's report, receiver's report and objections thereto; and
- (viii) application for compromise recorded, and the report received after reference has been made under Section 89 of the Code.

Part I-B shall be kept in the following order –

- (i) index;
- (ii) all previous versions of the plaint, except the last amended plaint;
- (iii) all previous versions of all written statement(s), except the last amended written statement(s); and
- (iv) all previous versions of the replication(s) except the last amended replication(s);

10. Interlocutory applications' file (Part II of the suit record.)-(i)The Interlocutory applications' file shall be kept in the following order—

- (a) index; and
- (b) all interlocutory application(s), their respective reply(s) and their respective rejoinder(s).

(c) Rule 9 shall in case of amended interlocutory application/ reply/ rejoinder apply *mutatis mutandis* to interlocutory application/ reply/ rejoinder.

(ii) No document(s) shall be attached to any interlocutory application. Any document(s) relied upon, in support of any interlocutory application, shall be filed with a separate index and will be placed in the documents file or Part III of the suit record.

(iii) Civil Contempt Petition shall be kept in a separate file, numbered as Volume(s), forming a part of Part II of the suit record.

11. Documents' file (Part III of the suit record.) — The documents' file shall have two sub-parts, III-A and III-B.

Part III-A shall contain all documents filed by the plaintiff including original documents, photocopies, printouts from electronic records, whether exhibited or un-exhibited, numbered chronologically. If the documents of the plaintiff are in more than one volume they shall be numbered as Vol. A1, A2, A3, etc.

Part III-B shall contain all documents filed by the defendant(s) including original documents, photocopies, printouts from electronic records, whether exhibited or un-exhibited, numbered chronologically. If the documents of the defendant(s) are in more than one volume they shall be numbered as Vol. B1, B2, B3, etc.

12. Evidence File (Part IV of the suit record) - The evidence file, whether evidence recorded by the Court/ Registrar/ Commissioner, shall have two sub-parts, IV-A and IV-B.

Part IV-A shall be kept in the following order—

On the left hand side of the file following ~~documents~~ **record** shall be kept:-

- (i) order appointing the Registrar/ Commissioner; and
- (ii) proceedings before the Registrar/ Commissioner.

On the right hand side the following **record** ~~documents~~ shall be kept: -

- (i) report of the Registrar/ Commissioner along with oral evidence recorded in chronological order.

Part IV-B shall be kept in the following order—

- (i) affidavit(s) filed by witness(es) of the plaintiff(s) in the affirmative;
- (ii) affidavit(s) filed by witness(es) of the defendant(s) in the affirmative;
- (iii) affidavit(s) by way of evidence in rebuttal filed by witness(es) for the parties; and
- (iv) affidavit(s)/ oral testimony of court witness(es)/ expert witness(es), if any.

13. Miscellaneous file (Part V of the suit record) - (a) The miscellaneous file shall be kept in the following order -

- (i) index;
- (ii) office notings;
- (iii) service reports;
- (iv) power(s) of attorney filed by parties;
- (v) vakalatnama(s) filed by Advocates;
- (vi) summons/other processes/affidavits relating thereto;
- (vii) letters etc. calling of record etc.; and
- (viii) all other miscellaneous papers.

14. Execution file.—Rules 9 to 13 of this Chapter, with suitable adaptation and modification, shall apply *mutatis mutandis* to the execution file.

15. Distribution to proper files.—The splitting up of record and distribution of papers into proper files shall, in all cases be done at the outset, and shall be continued from time to time as and when any filing are received by the Registry. Papers in each file shall be paginated separately.

16. Order sheet.—(a) The order sheet shall contain all orders passed by the Court/ Registrar at any hearing.

(b) All orders shall be in English and signed by the Judge/ Registrar as the case may be.

(c) The order sheet shall also contain reference to the application, return, or other similar document with respect to which an order is made.

CHAPTER V VAKALATNAMA

1. Execution and filing of Vakalatnama.—(i) Every Vakalatnama shall be duly signed by the party and contain, as and where appropriate, the seal of the party, name of the party signing and on whose behalf he has signed.

(ii) Where a Vakalatnama is executed by an agent/ authorized representative of a party, copy of the instrument/ document, of such authorization, shall accompany the Vakalatnama.

(iii) Should the person signing the Vakalatnama, cease to be an agent/ authorized representative of a party, a fresh Vakalatnama, in accordance with these Rules, shall be executed forthwith.

(iv) Where several persons sign a single Vakalatnama, they must put their signatures seriatim, mentioning, their serial number and name in brackets corresponding to their respective serial number and name mentioned in the memo of parties.

(v) Where a single Vakalatnama has been executed in favour of more than one Advocate, names and particulars of all the Advocates must be provided therein in accordance with these Rules.

(vi) The case number and its cause title must be clearly mentioned in the Vakalatnama.

(vii) An Advocate on his filing a Vakalatnama, duly executed by a party that discloses name and designation of the party, shall be entitled to act, to plead for that party in the matter and to conduct and prosecute all proceedings that may be taken in respect of such matter or any application connected with the same, or any decree or order passed therein, including proceedings in taxation and applications for review, execution and appeal in the Court, and take all such other steps as he may be specifically authorized by the Vakalatnama.

2. Certificate of fee.-Every Advocate shall file his certificate of fee. Such certificate shall show the amount of fee paid with the date of payment or the amount of fee agreed to be paid to him. This certificate is to accompany the Bill of costs as provided in these Rules.

3. Endorsement in Vakalatnama.-No Vakalatnama shall be accepted unless it contains the following under the signature of the Advocate:—

(i) an endorsement in token of its acceptance with the date of acceptance; and

(ii) the name, enrolment number, address, phone number, mobile number, e-mail id and all other contact particulars of the Advocate for service of the Advocate.

4. Notice of determination of authority of Advocate.-Except in exceptional and unavoidable circumstances, a party desiring to obtain an order for determination of authority of his Advocate, who has filed a Vakalatnama on his behalf in a suit or matter, shall do so by application, after having first served notice thereof to the Advocate concerned, and move such application well within time, so that proceedings continue on the date fixed and are not adjourned for such reason. No adjournment shall be granted on ground of determination of authority of Advocate.

5. Notice of discharge to a client.—An Advocate in a suit or matter desiring to obtain an order for his discharge, shall first serve notice of his intended application for discharge to his client, and the fact of such notice having been served shall be stated in the application. Such application must be moved well within time so that proceedings continue on the date fixed and are not adjourned for such reason.

Provided that an Advocate may be discharged by consent of the Advocate and the party by a letter addressed to the Registrar and signed both by the Advocate and the party.

Formatted: Font: 11 pt, Font color: Auto

CHAPTER VI PROCESSES/ NOTICES ETC.

1. **Service of notice.**—(a) Except where otherwise provided by these Rules, or ordered by the Court, all summons, notices other documents required to be given to or served on a party or person, who resides within the jurisdiction of the Court, shall be served on such party or person either personally or on his Advocate.

(b) Service of any notice, order or other document upon a person, who resides outside the jurisdiction of the Court/ Registrar, but within the territory of India, may ordinarily be effected, by posting a copy of the document required to be served in a prepaid envelope registered for acknowledgement addressed to the party or his agent empowered to accept service, at the place where the party or his agent resides or carries on business or personally works for gain or by means of recognized courier service (subject to furnishing the track report).

(c) Notwithstanding anything contained in Rule 1(b) of this Chapter, the Registrar may direct in a particular case or class of cases, that service be effected in any other manner provided by the Code for service of summons.

(d) Unless the contrary is proved, a document served by post shall be deemed to be served by the time at which it would be delivered in the ordinary course of post.

(e) Notwithstanding anything contained in Order V rule 10 of the Code, the Court may, in the very first instance, issue summons (together with copies of plaint, application, affidavit, documents etc.) by all or any of the following modes of service, viz., registered post (acknowledgement due); speed post; ~~or by authorized courier;~~ ~~or by fax;~~ ~~or electronic mail service;~~ SMS with a hyperlink (if required) or any other web based or virtual communication mode; ~~or~~ ~~permit the plaintiff to serve the summons~~ dasti service; in addition to service of summons in the ordinary way. ~~Court may direct service of summons by all modes of service simultaneously or in any combination of any of the modes of service.~~ For this purpose, the publicly available e-mail address and fax number, either on the website of the party or in public domain/ records shall also be deemed to be the correct e-mail address and fax number respectively.

Formatted: Font: Bold, Not Italic

(f) The summons/ notice shall specify the time within which the written statement/ response is to be filed as per the Code or these Rules.

2. Time for payment of process fee and consequence of non-payment.—Process fees, in a sum to be determined, shall be collected one time from the plaintiff at the time of institution of the suit. Process fee, in a sum to be determined, shall be collected one time from the defendant at the time of filing the written statement. In case a party is burdened with payment of expenses towards publication, commission etc. the same shall be forthwith deposited and no later than seven days of the date of the order. The Court shall notify the process fee payable from time to time and require the plaintiff to ensure availability of copies of the plaint and documents for service on other side.

If the plaintiff or applicant fails to take any step or where the plaintiff or applicant commits default in furnishing/ making such payment or it appears to the Registrar that he is not prosecuting the matter with due diligence, the Registrar shall call upon the party to explain the default and if no explanation is offered, or if the explanation offered appears to the Registrar to be insufficient, the Registrar may issue summons calling upon the plaintiff or the applicant to show cause before the Court why the plaint or the application should not be dismissed.

3. Power to dismiss for non-prosecution.—Upon such summons not being issued, the Court may, after hearing the plaintiff or in his absence, dismiss the suit for non-prosecution or make such other direction in the interest of justice.

4. Full address to be given of persons on whom process to be served.—The particulars required to be set out in Rule 3 of Chapter III shall be provided by the plaintiff for issue of any process to the party.

5. Returnable date of summons.—Unless otherwise ordered, every writ of summons shall be made returnable as follows:

- (1) if the defendant or all the defendants reside within the jurisdiction of the Court, in four weeks from the date of the admission of plaint; and
- (2) in all other cases, within such time as may be considered sufficient for the transmission, service and return of the summons.

6. Expeditious issue of processes.—Process for service or execution shall be prepared and issued expeditiously. Where an interim order/ stay order is granted, notice thereof shall not be issued by the Registry unless the applicant furnishes requisite number of copies for service of each non-applicant.

7. Process to be served after identification of party.—The process-serving officer shall serve all processes entrusted to him after due enquiry as to the identity of the persons on whom or the house or property where, the same is to be served.

Provided that if it appears to the Registrar that sufficient information cannot be given as to the identity and place of residence of the person upon whom process is to be served or as to the house or property where process is to be served or if the Registrar is satisfied from the affidavit of the serving officer or upon his examination on oath, if necessary, that the person or the house or property or the place of residence of the person aforesaid could not be identified after due diligence and enquiry, he may ask the party concerned to supply an identifier.

8. Endorsement of identifier on the original process.—If the serving officer is not personally acquainted with the person to be served, he shall, wherever possible, obtain on the original process the endorsement by signature or thumb-impression of a respectable person of the locality identifying such person, his place of residence/ the house or property on which the process is served.

9. Procedure where defendant refuses to accept service or cannot be found.—Where the person to be served, or his agent, refuses to sign the acknowledgment, or where the serving Officer, after using all due and reasonable diligence, cannot find that person and there is no agent empowered to accept service of the summons on his behalf, the serving officer shall affix a copy of the summons on the outer door or some other conspicuous part of the house in which that person ordinarily resides or carries on business or personally works for gain, and shall then return the original to the Court with a report endorsed thereon annexed thereto stating that he has so affixed the copy, the circumstances under which he did so and the name and address of the person (if any) by whom the house was identified and in whose presence the copy was affixed. He shall also obtain the signature of the person on the return, who identified the person or in whose presence the copy was affixed on the said house.

10. Return of service.—(a) Every process serving officer shall immediately after completion of any duty connected with any process, record with his own hand upon the original process at the place of execution and in the presence of at least one respectable witness, his report specifying the manner of execution or the causes which prevented execution. Thereafter, he shall swear or affirm the correctness of that report before an officer of the Court, duly authorized in this behalf and file the same in Court together with the process.

(b) Process serving officer must invariably note the date, hour and exact place of service on each individual process.

(c) If no witness is available, the serving officer shall so state in his report.

(d) If the process is addressed to more than one person, the report shall describe the manner of service on each person and also the sequence in which the processes are served on different persons.

11. Service by affixing to outer door.—The serving officer shall make an affidavit as to the following matters:

- (1) the number of times, dates and hours at which he visited the address on the summons/notice;
- (2) the attempts made by him to find the person to be served;
- (3) whether he had any and, if so what, reason to suppose that such person was within the house or in its neighborhood, or attempting to evade service; and
- (4) whether any adult member of the family of the person to be served was residing with him.

12. Notice where summons is affixed at outer door.—If a summons to defendant is affixed to the outer door of his house in the manner provided in Rule 11, the serving officer shall affix thereto the notice in a prescribed format that the person, being served can, upon an application to the Court, obtain a copy of the plaint/ petition etc. and shall in his report state that he has done so and shall return the plaint/ petition etc. to the Court.

13. Inquiry as to sufficiency of service.—Service by any of the recognized modes shall be deemed to be service. Rules relating to affixation, identification, proxy service, and endorsement etc., shall be applicable only in those cases where it is not possible to effect service in any other mode. The Registrar shall, in all cases where the process has been returned, and in which an appearance has not been entered on the day appointed therefor, hold an inquiry as to the sufficiency of service of process.

If there is any dispute regarding sufficiency of service and the Registrar is unable to decide the same due to any reason, the Registrar shall expeditiously place the matter before the Court.

14. Registrar to execute or to cause to be executed process.—The Registrar and, subject to his directions, any other officer of the Court shall execute or cause to be executed, through the officers of the Court, all processes including all warrants or orders for delivery, attachment or sale of property in execution, or for the arrest or custody of any person, which may be entrusted to him for execution. They shall return all warrant and orders within the time prescribed, with an endorsement specifying the manner of

execution or the causes which prevented execution. Such warrants and orders shall be filed in the record. A process service register shall be kept in the prescribed form.

15. Noting of date on processes.—The Officer-in-charge of the Process Serving Branch shall note on every process the date on which it was delivered to the process server.

16. Service on the Advocates of parties.—Service of any process, notice, order or other document on the Advocate of any party may be effected by delivering it to the Advocate, or by leaving it with a clerk in his employment.

17. Affidavit of service.—Except where the process, notice, order or other document has been served through the Registry, the party required to effect service shall file an affidavit of service along with such proof thereof, as may be available, stating the manner in which the service has been effected.

18. Service through another Court.—Where process, notice, order or other document has been served through another court, the service may be proved by the deposition or affidavit of the serving officer made before that court through which the service was effected.

19. Practice Directions - Issuance of summons.— Practice directions titled as 'Practice Directions for issuance of summons/ notices through speed post/ registered post with Proof of Delivery (POD) in the High Court of Delhi', stand incorporated by inclusion in these Rules and are annexed hereto as Annexure-A.

CHAPTER VII

APPEARANCE BY DEFENDANT, WRITTEN STATEMENT, SET OFF, AND COUNTER-CLAIM AND REPLICATION

1. In default of appearance by defendant suit to be posted for hearing.—If on the day fixed for his appearance in the writ of summons, the defendant does not appear, and it is proved that summons was duly served, the suit shall proceed for hearing.

2. Procedure when defendant appears.—If the defendant appears personally or through an Advocate before or on the day fixed for his appearance in the writ of summons:—

(i) where the summons is for appearance and for filing written statement, the written statement shall not be taken on record, unless filed within 30 days of the date of such service or within the time provided by these Rules, the Code or the Commercial Courts Act, as applicable. An advance copy of the written statement, together with legible copies of all documents in possession and power of defendant, shall be served on plaintiff, and the

written statement together with said documents shall not be accepted by the Registry, unless it contains an endorsement of service signed by such party or his Advocate. The written statement shall also contain a statement certifying authenticity of document(s)/ copy(s) filed. Where copy(ies) of document(s) are filed, it shall be specified in the index as to in whose custody, power and control are the original(s) thereof and. Service of summons for the purpose of this Rule shall only be deemed to be complete after inspection is provided by the other party(s)Plaintiff, if such inspection is sought by an application moved within a period of 7 days from the receipt of first set of summons.

(ii)Any party which seeks to inspect the originals of any documents shall give a notice for inspection and the inspection shall be given at a mutually convenient location within one week of receipt of the notice.

~~(ii) the Registrar shall mark the documents produced by parties for purpose of identification, and after comparing the copies with their respective originals, if they are found correct, certify them to be so and return the original(s) to the concerned party. (As this exercise may become unachievable, and is even otherwise suggested to be optional, hence this Rule 2(ii) is deleted.)~~

3. Affidavit of admission/ denial of documents along with written statement.- Along with the written statement, defendant shall also file an affidavit of admission/ denial of documents filed by the plaintiff, without which the written statement shall not be taken on record. Along with the written statement, the defendant shall be entitled to file applications for interrogatories for examination of the plaintiff together with proposed interrogatories; application for discovery; and application for inspection of such documents. The affidavit referred to in this Rule shall be in accordance with the provisions of Rule 4 of Order XI of the Code, as applicable under the Commercial Courts Act.

4. Extension of time for filing written statement.—If the Court is satisfied that the defendant was prevented by sufficient cause for exceptional and unavoidable reasons in filing the written statement within 30 days, it may extend the time for filing the same by a further period not exceeding 90 days, but not thereafter. For such extension of time, the party in delay shall be burdened with costs as deemed appropriate. The written statement shall not be taken on record unless such costs have been paid/ deposited. In case the defendant fails to file the affidavit of admission/ denial of documents filed by the plaintiff, the documents filed by the plaintiff shall be deemed to be admitted. In case, no written statement is filed within the extended time

Formatted: Font: 14 pt, Bold

Formatted: text, Indent: Left: 0 cm, First line: 0 cm, Tab stops: Not at 1.75 cm

Formatted: Highlight

Formatted: Font: (Default) Times New Roman, 14 pt, Bold

Formatted: Font: 11 pt, Font color: Auto

Formatted: hang-2

also, the Registrar may pass orders for closing the right to file the written statement.

5. Replication.-The replication, if any, shall be filed within 30 days of receipt of the written statement. If the Court is satisfied that the plaintiff was prevented by sufficient cause for exceptional and unavoidable reasons in filing the replication within 30 days, it may extend the time for filing the same by a further period not exceeding 15 days but not thereafter. For such extension, the plaintiff shall be burdened with costs, as deemed appropriate. The replication shall not be taken on record, unless such costs have been paid/ deposited. In case no replication is filed within the extended time also, the Registrar shall forthwith place the matter for appropriate orders before the Court. An advance copy of the replication together with legible copies of all documents in possession and power of plaintiff, that it seeks to file along with the replication, shall be served on the defendant and the replication together with the said documents shall not be accepted unless it contains an endorsement of service signed by the defendant/ his Advocate.

6. Affidavit of admission/ denial of documents with replication.- Along with the replication, the plaintiff shall also file an affidavit of admission/ denial of documents filed by the defendant, without which the replication shall not be taken on record. **Such affidavit referred to in this Rule shall be in accordance with the provisions of Rule 4 of Order XI of the Code, as applicable under the Commercial Courts Act.**

7. Affidavit of admission/ denial of documents, even if replication not filed.-Irrespective of whether the plaintiff files the replication or not, the plaintiff shall be bound to file affidavit of admission/ denial of documents filed by the defendant along with the written statement within the time permissible for filing replication. In case the plaintiff fails to file the said affidavit, the documents filed by the defendant shall be deemed to be admitted. The Court or the Registrar, as the case be, shall exhibit documents admitted by the parties. **The affidavit referred to in this Rule shall be in accordance with the provisions of Rule 4 of Order XI of the Code, as applicable under the Commercial Courts Act.**

7A. Document Schedule.-**After the filing of the affidavit of admission / denial, before framing of issues, parties shall jointly prepare a 'Document Schedule' in the form provided herein to be presented to the Court.**

Formatted: Font: (Default) Times New Roman, 14 pt, Bold, Font color:

Formatted: Font: (Default) Times New Roman, 14 pt, Bold, Font color:

Formatted: Font: Bold, Font color: Black

DOCUMENT SCHEDULE

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
<u>Particulars of Documents</u>	<u>Plaintiff's Admission/Denial</u>	<u>Defendant No. 1's Admission/Denial</u>	<u>Defendant No. 2's Admission/Denial</u>	<u>Defendant No. 3's Admission/Denial</u>	<u>Court Order</u>
<u>Plaintiff's documents</u>					
<u>Defendant's documents</u>					

**Parties are to write 'Admit'/'Deny' against each document. In case, receipt of a document is admitted and contents are denied, parties may write Admit (Receipt)'*

The Court would make an endorsement as to the exhibited documents in last Column of the Schedule. The 'Document Schedule', duly containing the Exhibit Nos, if any, shall form part of the proceedings of the day.

The Court may also direct filing and preparation of a similar 'Document Schedule' before the stage of final arguments.

8. Cost where document denied without just reason or cause.—Where any party, without just reason or cause, denies a document, which the party propounding is compelled to prove, the Court may, award costs of proof of such document on the party denying the same.

9. Orders as to claims for set-off.—Where a defendant pleads a set-off under Order VIII, rule 6 of the Code, the Court on application of the plaintiff made in that behalf may, at any stage of the proceedings, and after hearing the defendant, make an order directing that the claim for set-off be tried separately or make such other order as may be just.

10. Counter-claim by defendant.—(a) A defendant in a suit, in addition to his right of pleading a set-off under Order VIII, rule 6 of the Code may set up by way of counter-claim against the claims of the plaintiff, a right or claim, whether such counter-claim is founded in damages or otherwise. The counter-claim shall be numbered separately, in accordance with categorization and nomenclature, as provided in these Rules.

(b) Such counter-claim shall have the same effect as a cross-suit so as to enable the Court to pronounce a final judgment in the same suit, both on the original claim and on the counter-claim.

(c) Rules relating to complaints shall apply *mutatis mutandis* to counter-claim. Rules 2 to 8 of this Chapter shall also apply *mutatis mutandis* to counter-claim.

11. Counter-claim to be specifically pleaded.—Where any defendant seeks to rely upon any grounds as supporting the right of counter-claim, he shall, in his written statement, state specifically that he does so by way of counter-claim.

Where a defendant sets up a counter-claim, the Court on the application of the plaintiff, made in that behalf at any stage of the proceedings, and after hearing the defendant, may make an order directing that the counter-claim be tried separately or make such other order as may be just.

12. Proceeding with the counter-claim where suit is stayed etc.—Where in a case in which the defendant sets up a counter-claim, the suit of the plaintiff is stayed, discontinued or dismissed, the counter-claim may be proceeded with in accordance with these Rules.

13. Order XX rule 19 of the Code to apply to decree in such suits—sub-rules (1) and (2) of rule 19 of Order XX of the Code shall apply to the decree in a suit in which counter-claim is made.

14. No documents to be filed after completion of pleadings.—Except as provided in Order XIII of the Code and these Rules, neither party shall be entitled to file any documents after completion of pleadings in the suit. Upon failure of parties to file their respective documents and/ or file the respective documents on completion of filing of pleadings, in accordance with these Rules, the Registrar shall forthwith place the matter before Court.

15. Commencement of Trial.— The expression 'commencement of trial' used in Order VI rule 17 of the Code would mean the stage of tendering of evidence before Court / Registrar / Commissioner of the first witness in the proceeding before the Court/Registrar/Commissioner.

156. Marking of Exhibits.—The marking of exhibits will be on the basis of the affidavit of admission and denial and originals will not be required to be produced before the Joint Registrar for the purpose of marking of exhibits.

Upon marking of Exhibits the suit shall be placed before the Court within a period of four weeks for settlement of issues/Case Management hearing.

Formatted: Font: Bold, Font color: Black

Formatted: Font: Bold, Font color: Black

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Font: Bold

Formatted: Indent: First line: 0.63 cm

167. Confidentiality Club.-When parties to a commercial suit wish to rely on documents/ information that are commercially or otherwise confidential in nature, then the Court may constitute a Confidentiality Club so as to allow limited access to such documents/ information. In doing so, the Court may setup a structure/protocol, for the establishment and functioning of such Club, as it may deem appropriate. An illustrative structure/protocol of the Confidentiality Club is provided in ANNEXURE F. The Court may appropriately mould the structure/ protocol of the Club, based upon the facts and circumstances of each case.

Formatted: Normal, Line spacing: single, No bullets or numbering

Formatted: Font: Bold

CHAPTER VIII

DISCOVERY, INSPECTION AND INTERROGATORIES

1. Applications for Discovery, Inspection and Interrogatories by plaintiff.- In addition to the right of the plaintiff to file applications as provided in Rule 1(f) of Chapter IV of these Rules, the plaintiff shall also be entitled to file such application within 15 days of receipt of written statement from the defendant. No such application by the plaintiff, except with leave of Court, shall be entertained thereafter.

2. Applications for Discovery, Inspection and Interrogatories by defendant.- In addition to the right of the defendant to file applications as provided in Rule 3 of Chapter VII of these Rules, the defendant shall also be entitled to file such application within 15 days of receipt of replication from the plaintiff. No such application by defendant, except with leave of Court, shall be entertained thereafter.

3. Service of such applications.- On the Court allowing the application for interrogatories, the same shall be served upon and answered in accordance with the provisions of the Code.

Formatted: Font: 14 pt

Formatted: Normal, No bullets or numbering

CHAPTER IX

MEDIATION/ SETTLEMENT, JUDGEMENT WITHOUT RECORDAL OF EVIDENCE, EXAMINATION OF PARTIES AND FRAMING OF ISSUES

1. Reference to Alternate Dispute Resolution mechanism.- Where it appears to the Court/ Registrar that there exists elements of a settlement which may be acceptable to the parties, the Court/ Registrar shall direct parties to the suit, to opt for any mode of settlement outside the Court, as specified in Section 89(1) of the Code. In case parties opt for Mediation, the Court/ Registrar shall direct them to proceed in accordance with Delhi High Court Mediation and Conciliation Rules, 2004. In case the parties opt for an

alternative dispute resolution mechanism, the Court/ Registrar shall fix the date of appearance before such person, forum or authority as may be opted by the parties.

2. Personal appearance -The Court may, at any stage of the proceedings, require personal attendance of the parties/ authorized representative to ascertain facts, if circumstances so warrant.

3. Judgment at the first hearing. — On the first hearing of proceedings, the Court shall ascertain from each party, whether they admit allegations of fact made against them by the other. If any party makes such an admission, the Court, after recording such admissions, may proceed to pronounce a judgment. If on that date the defendant appears and the plaintiff does not appear, the Court shall make an order that the suit be dismissed, unless the defendant admits the claim or part thereof, in which case, the Court shall pass a decree against the defendant upon such admission, and where only a part of the claim has been admitted, shall dismiss the remainder claim in the suit.

4. Examination of parties etc. at the first hearing.—If at the first hearing the defendant does not admit the claim, the Court shall examine any party appearing in person or present in Court, or any person able to answer any material questions relating to the suit by whom such party or his Advocate is accompanied. The Court may, in its discretion, permit any party to suggest questions to the Court for being put to the person under examination.

5. Examination to be recorded.-The substance of the examination shall be reduced into writing and shall form a part of the record. Where after such examination it appears that the parties are not at issue on any question of law or fact, the Court may at once pronounce judgment.

6. Disposal of the matter at the first hearing.—(1) Where the parties are at issue on some question(s) of law or fact, the Court may frame issues, and if satisfied, no further argument or evidence other than that the parties can at once adduce is required upon such of the issues as may be sufficient for the decision of the suit, and that no injustice will result from proceeding with the suit forthwith, may, proceed to determine such issues, and if the finding thereon is sufficient for the decision, may pronounce judgment accordingly. Except for reasons recorded in writing, framing of issues and trial of the suit shall not be delayed or postponed on account of pendency of application(s).

(2)Where the finding is not sufficient for a decision, the Court shall adjourn the matter directing the parties to file their respective lists of witnesses in accordance with these Rules.

(3) Upon filing of list of witnesses, within the time prescribed, the Court shall examine the same and pass appropriate orders as provided in Rule 5 of Chapter XI of these Rules.

7. Settlement offer with prejudice.-A proposal to settle shall be in writing and shall be with prejudice to the proposer. The proposal shall remain valid till the conclusion of the suit/petition/original proceeding unless otherwise provided.

A proposal to settle may be responded by a counter proposal in writing, which shall also be with prejudice and would remain valid till the conclusion of the suit/petition/original proceeding, unless otherwise provided.

Where a proposal/counter proposal is declined and/or refused, and the suit/petition/original proceedings results in terms less favourable than those contained in the proposal/counter proposal, the party declining and/or refusing to accept the proposal/counter proposal, notwithstanding being entitled to grant of relief, as awarded by the Court, shall however, be burdened with costs as provided in Rule 2(i) of Chapter XXIII of these Rules.

In case the suit/petition/original proceedings results in terms more favourable than those contained in the proposal/counter proposal, the party declining/refusing to accept the same shall, in addition, to the grant of reliefs, as awarded by the Court, be also entitled to full costs of the suit/petition/original proceedings.

CHAPTER X INTERLOCUTORY APPLICATIONS

1. Form.—Every interlocutory application shall be instituted in the suit or matter in which it is filed.

2. Contents of applications.—(i) Except where otherwise provided by these Rules or by any law for the time being in force, an interlocutory application:

- (a) shall contain only one prayer or one series of alternative prayers of the same kind;
- (b) shall not contain any argumentative matter;
- (c) shall be supported by an affidavit, stating clearly the grounds and the facts on which the application is based. Where the application is for condonation of delay, the exact period of delay and the reasons thereof shall also be clearly stated in the application;
- (d) an advance copy of the application together with its affidavit and other documents/ material, filed along therewith, shall be served

Formatted: Font: (Default) Times New Roman, Font color: Black

Formatted: Font: (Default) Times New Roman, Font color: Black

Formatted: Font: (Default) Times New Roman, Font color: Black

Formatted: Font: (Default) Times New Roman, Font color: Black

Formatted: Font: (Default) Times New Roman, Font color: Black

Formatted: Font: (Default) Times New Roman, Font color: Black

Formatted: Font: (Default) Times New Roman, Font color: Black

Formatted: Font: (Default) Times New Roman, Font color: Black

Formatted: Font: (Default) Times New Roman, Font color: Black

Formatted: Font: (Default) Times New Roman, Font color: Black

upon the opposite party. The applicant shall intimate all Advocates in the matter about the filing and likely date of listing of the said application and give an undertaking on the index of the application to the effect that all parties to the litigation have been duly served. The application shall be accompanied by written proof of such intimation and their respective service and number of non-applicants. The application shall not be listed by the Registry unless it complies with this sub-rule.

(ii) Where an advance copy of the application has been served on the non-applicant or his Advocate, the Court shall proceed to hear the application and pass such orders as may be considered appropriate on the application without issuing any notice to the non-applicant or his Advocate, unless it directs otherwise. The applicant shall be bound to intimate the opposite parties by any or all modes including SMS/ e-mail/ fax or any other recorded delivery of the date on which the application is scheduled to be listed. Non-appearance of the non-applicant on the said date may result in adverse orders being passed against the non-applicant.

(iii) Notwithstanding Rule 2(ii) of this Chapter, the Registry may direct filing of additional copies for service of the opposite party.

(iv) Where an applicant desires that he be heard in Camera for the purpose of passing an ex-parte interim order, he shall file an application stating reasons thereof.

On such application being allowed, only the name/ pseudo name of the applicant shall appear in the cause list as may be directed by Court.

3. Listing - All fresh interlocutory applications should be listed on the dates that the matters are listed next before the Court/ Registrars, if the next date is within 10 days of the Applications being numbered.

4. Urgent Listing - Any application seeking urgent relief, if accompanied by an application setting out reasons for urgency and filed before noon, and if in order, shall be placed for orders before the Court on the following working day.

CHAPTER XA CASE MANAGEMENT

1. Summary Judgment.-At the time of Case Management hearing, a Court, may of its own, decide a claim pertaining to any dispute, by a summary judgment, without recording oral evidence.

2. 'Claim'.-For the purposes of this Order, the word "claim" shall include -

(a) part of a claim

Formatted: Font: Bold

Formatted: Centered

Formatted: Font: Bold, Font color: Auto

Formatted: Font: Bold, Font color: Auto

(b) any particular question on which the claim (whether in whole or its part) depends; or

(c) a counter claim, as the case may be.

3. Grounds for summary judgment.-The Court may, of its own, give a summary judgment against a plaintiff or defendant on a claim if it considers that -

(a) the plaintiff has no real prospect of succeeding on the claim or the defendant has no real prospect of successfully defending the claim, as the case may be; and

(b) there is no other compelling reason why the claim should not be disposed of before recording of oral evidence.

4. Other orders / directions.- The Court may, *inter-alia*, pass orders / directions as it may think fit for the speedy disposal of the suit or narrowing the controversy between the parties, including:-

a) calling upon the parties to admit or deny such allegations of fact as are made in the plaint or written statement and are not expressly or by implication admitted or denied by the party against whom they are made as provided in Order X rule 1 of the Code.

b) recording the statement of the parties under Order X rule 2 of the Code with a view to elucidate the matter in controversy or answer the material questions relating to the suit.

c) calling upon parties to conduct inspection of documents as required under Order XI rule 3 of the Code as applicable and direct the inspection to be conducted at any place convenient to the parties within a fixed time schedule not exceeding 30 days from the date of filing of the written statement;

d) calling upon the parties to, after inspection of the documents, file statements of admission/denial as per Order XI rule 4 of the Code;

e) passing an order of admission of a document under Order XII rule 2A of the Code, in case a party to which a notice has been given under Order XII rule 2 of the Code, has failed to deny specifically or by necessary implication and also passing an order of compensation where a party unreasonably neglects or refuses to admit a document after the service of notice.

f) passing an order for paying cost of proving a document or a fact by a party, refusing or neglecting to admit a document.

g) direct listing of the matter before the Registrar for marking of exhibits on all admitted documents as also public documents of

Formatted: Font: Bold, Font color: Auto

Formatted: Indent: First line: 0 cm

Formatted: Font: Bold

- third parties for e.g., documents issued by government authorities, reputed publications, newspaper articles, electronic printouts from websites which are accessible openly;
- h) conduct a Case Management hearing under Order XV-A of the Code and as part of the said case management hearing –
- i. explore the possibility of settlement between the parties as per Section 89 of the Code.
 - ii. explore the possibility of deciding the dispute by a summary judgment, without a specific application for the said purpose, on the basis of pleadings dispensing with the trial of the suit on the questions of law or of facts on which the parties are not at issue;
 - ii-a. strike out defences or pleas or claims which the Court considers either unreasonable, frivolous or not maintainable.
 - iii. frame only such issues that arise for adjudication and upon insistence by any parties for framing of issues which the Court considers either frivolous or not maintainable, affix costs on a per issue basis to be paid by the losing party after trial;
 - iv. decide such issues which do not require evidence as preliminary issues;
 - v. fix a date for filing of list of witnesses by both parties;
 - vi. examine the list of witnesses and direct only such witnesses to be examined as are essential for adjudication of the issues so framed so as to not permit unnecessary protraction of trial with large number of witnesses;
 - vii. fix time schedules for filing of affidavits in evidence by all parties including rebuttal evidence, if any;
 - viii. Where Court/ Registrar/ Commissioner deems appropriate, keeping in view volume/ number of documents required to be marked/ identified, it may dispense with marking of documents in presence of witnesses, by directing a pre-trial hearing before Court/ Registrar/ Commissioner, when identification and marking of exhibits/ affixation of suitable marks of identification can be carried out in terms of respective affidavit(s) of witnesses filed. While doing so the Court/ Registrar/ Commissioner would record objections, if any, of any party objecting to marking/ identification of documents;
 - ix. monitor the trial being carried out by fixing periodic dates before itself every 3 months after the Case Management hearing;

- x. direct consolidation of trials in cases where identical or similar issues arise;
- xi. direct filing of synopsis in the suit;
- xii. direct pagination of the record and convert them to digital copies to be given to all parties in the case;
- xiii. fix time limits for final arguments.

**CHAPTER XI
EVIDENCE AND WITNESSES**

1. Evidence. - (i) For the purpose of recording evidence, cases would be categorized in the following classes:

- (a) cases where evidence is to be recorded in Court;
- (b) cases where evidence is to be recorded before the Registrar; and
- (c) cases where evidence is to be recorded before a Commissioner;

(ii) The Court shall appoint Registrars and Commissioners to record evidence. However, in appropriate cases the Court may, considering the nature of the case, issues involved and the nature of the witness(es) to be examined and such other factors which may be relevant for this purpose, give directions with regard to recording of evidence of such witness(es) before itself. The Court may also give directions as to whether in a given case, the examination-in-chief of a witness shall be on affidavit or his entire testimony is to be recorded orally. The Court may, at any time, change the category of a case, if circumstances so require.

2. List of witnesses.-(i) Within fifteen days of the framing of issues or within such time as ordered by the Court, all parties shall file their respective lists of witnesses stating whom they seek to produce in support of their respective cases. Such lists shall also state particulars of witnesses, as required by these Rules.

(ii) The Registry shall return with objections any list of witnesses that does not comply with the provisions of this Chapter.

3. Form of List of witnesses. - (i)The list of witnesses will be in the form below:

IN THE HIGH COURT OF DELHI AT NEW DELHI

Suit No.....of.....

Plaintiff/Petitioner.....v.....Defendant/Respondent

NEXT DATE OF HEARING

List of witnesses filed by the.....

Serial No.	Full name and complete address	Facts Sought to be proved by the evidence of the witness	Documents sought to be proved by the evidence of the witness

Part—A Witnesses required to be examined on Commission and Video conferencing.

Part—B Witnesses required to produce documents only and who are not required to give oral evidence.

Part—C Witnesses required to give oral evidence and also to produce documents, including expert witnesses.

Part—D Witnesses required to give oral evidence but from whom no documents are required to be proved.

Filed by Advocate for
the Plaintiff/Defendant/ Petitioner/Respondent

Filed on.....

4. Language of witness.-In such list, the language in which the witness(es) will depose, shall, as far as possible, be indicated, so that services of an interpreter, if required may be suitably arranged for by the concerned party.

5. Scrutiny of witnesses by court.-The Court shall examine the list of witnesses and pass appropriate orders directing deletion of name of any witness(es) that it deems irrelevant to the issues and pass such further orders in relation to the same and thereafter direct trial in the suit/ proceedings and evidence to be recorded.

6. Expert witnesses.-The Court may, either on its own motion, or on an application of any party, permit an expert witness to testify. In such a case, the Court may pass appropriate orders for recordal of his testimony (including, by hot tubbing technique, etc.), manner of recordal, document relied upon by the expert and the fee payable to him. An illustrative protocol for using the “hot tubbing” technique is provided in ANNEXURE G.

The Court may appropriately mould the protocol for hot tubbing, based upon the facts and circumstances of each case.

7. **Summoning of witnesses.**-(i) Soon after the filing of list of witnesses, the party may get summons issued to its witnesses mentioned in Part B, C and D subject to the provisions of Rule 31A of Order XVI of the Code.

(ii) An application for summoning witness(es), shall set out names of witness(es) proposed to be summoned for a specified date.

(iii) A party shall not be entitled to obtain process to enforce attendance of or call or produce any witness at trial who is not named in the list of witnesses filed by him, without an order of Court stating reasons thereof.

(iv) Summons for appearance of witnesses shall be issued only upon deposit of ~~process fees and~~ diet money into Court which shall be calculated by the office and deposited by the party concerned within seven days.

(v) The Court/ Registrar/ Commissioner may permit a party to effect service of summons on witness(es), in which event, the Registry shall give the summons to such party for service.

(vi) Service of such summons shall be effected by or on behalf of such party by personally delivering or tendering the summons signed by Court/ Registrar/ any officer authorized in this behalf and sealed with the Seal of the Court.

(vii) Provisions of Order V, rules 16 and 18 of the Code shall apply to summons so allowed to be served, as if the person effecting service, were a serving officer. Summons shall be returned to the Court, with the affidavit of the person serving the same, giving complete details of the time, place, and name of the person to whom they were delivered or tendered as also the name of the person in whose presence the same were delivered or tendered. Where summons have not been served by the party itself, they shall also be counter signed by such party, verifying correctness of the report in the affidavit.

(viii) In case, a witness fails to appear or comply with summons served in the manner provided in the preceding sub-Rules, consequences provided in Order XVI, rules 10 and 12 of the Code may ensue.

(ix) Where summons are delivered or tendered in accordance with Rule 7, sub-Rules (iv) and (v) of this Chapter, expenses, referred to in sub-rule (1) of rule 2 of Order XVI of the Code, shall be paid to the witness(es) by the party or his agent in accordance with directions of Court/ Registrar/ Commissioner.

(x) If such summons, when delivered or tendered, is refused, or if the person served refuses to sign an acknowledgment of service, or for any reason such summons cannot be delivered or tendered personally, the Court/

Registrar/ Commissioner shall, on an application of the party, order re-issue of such summons to be delivered or tendered, in the same manner as a summons to a defendant, as provided in these Rules.

(xi) Notwithstanding anything else contained in these Rules, the Court/ Registrar/ Commissioner may also order issue of summons to witness in accordance with any mode provided in Chapter VI of these Rules. Expenses for such service shall be borne by the party summoning the witness(es).

8. Process, travelling expense, boarding and lodging of out station witnesses.-(i) In the event of summons being sought for a witness who resides outside Delhi, the case shall be listed before the Registrar for assessment of the travelling, boarding and lodging expenses of the witness(es). Process for appearance of the witness shall be issued only upon deposit of the assessed expenses by the party in Court within the time prescribed by these Rules.

(ii) So far as expert witnesses are concerned, expenses would be prescribed by the Court taking into consideration the subject matter of the testimony, the qualification of the expert, the position held by the expert, time likely to be spent and any other relevant matter.

9. Witnesses-Part B.-(i) A witness named under Part B summoned to produce a document shall be deemed to have complied with summons, if he causes such document to be produced, along with authorization, instead of appearing personally.

(ii) While issuing summons to witness(es) the Court/ Registrar/ Commissioner may order, that suitable instructions be provided, on summons itself making the witness aware of the purpose of his summoning. Such summons may also indicate that, if for absolutely unavoidable reasons the witness concerned is unable to attend Court/ Registrar/ Commissioner, on the date(s) fixed by the summons, he would inform Court/ Registrar/ Commissioner in advance, with his undertaking to appear on the date(s) intimated to him. Court/ Registrar/ Commissioner may, if it considers appropriate, exempt the witness from personal appearance for the date fixed.

(iii) The Court/ Registrar/ Commissioner for adequate reasons, if considered necessary, may keep copies or extracts of the summoned documents produced by the witness and return the original with directions to produce the same as and when so directed.

(iv) The Court/ Registrar/ Commissioner shall mark exhibit on the documents so retained, subject to objection(s), if any.

10. Recall of witness.- The Court/ Registrar/ Commissioner may (for reasons to be recorded in writing) recall any witness in terms of Order XVIII, rule 17 of the Code.

11. Objections to exhibition of documents.-(i) Objection(s) to exhibiting any document or its production, shall be recorded to be decided at the time of decision of the suit/ other original proceeding or at such time as the Court considers appropriate.

(ii) In case, the Registrar/ Commissioner considers that the objection(s) needs to be decided forthwith, he shall place the matter before Court, without delay after recording of reasons for the same.

12. Failure to summon or examine summoned witness.-If steps for summoning a witness(es) are not taken by a party, or if a summoned witness(es) is not examined by a party, such party shall forfeit its right to again summon the said witness(es), unless Court/ Registrar is satisfied that such a party was prevented by any sufficient reason from summoning the witness(es) or examining the witness(es).

13. Evidence of outstation witnesses.-Recording of evidence of outstation witness(es), shall be on day-to-day basis, till the witness(es) is discharged.

14. Cost of adjournment.-(i) In case, an adjournment is necessitated for examining or cross examining witness(es), reasons for such adjournment shall be recorded by Court/ Registrar/ Commissioner. In such event, actual reasonable costs of travel/ stay/ loss of income of such witness(es) shall be recorded in the order sheet. The party at whose instance such adjournment is necessitated will be required to deposit, within one week of the adjournment or in such time granted by the Court/ Registrar/ Commissioner, such costs so recorded, irrespective of reasons for adjournment.

(ii) In case, the party, at whose instance such adjournment has been granted fails to deposit the costs, such party shall not only forfeit the right to examine or cross examine the witness(es), as the case may be, but will also be liable for consequences as laid down in these Rules.

15. Power to proceed with hearing of suit.-Notwithstanding anything contained in Order XVIII of the Code or these Rules, the Court/ Registrar may, for sufficient reasons, proceed with the hearing of the suit, although evidence of the party, having the right to begin, has not been concluded. The Court/ Registrar may also allow either party to produce any witness(es) at any stage of the suit.

16. Re-attendance of witnesses on adjourned hearing.—When hearing of a case is adjourned, re-attendance of witnesses present may be secured by payment to them of travelling and subsistence allowances and by binding them down for the date fixed by the Court/ Registrar/ Commissioner for re-attendance without having to issue fresh process to them.

17. Production of public document.—(a) Every application for summons for production of a public document shall be supported by an affidavit stating—

- (i) the description of the document(s), the production of which is required;
- (ii) the relevancy of the document(s);
- (iii) the reasons why production of a certified copy of the same would not serve the purpose; and
- (iv) in case where production of a certified copy would serve the purpose, whether application was made to the proper officer for a certified copy and the result of such application.

(b) The Court/ Registrar shall not issue such summons unless he considers the production of the original necessary and is satisfied that application for supply of its certified copy has been duly made and has not been granted. The Court/ Registrar shall in every case record his reasons.

(c) Nothing in this rule shall apply to an application under Order XIII, rule 10 of the Code for production of the record of any suit of proceeding.

18. Return of original public record after its production in evidence.—When public records are produced and put in evidence in original, the Court, unless it thinks it necessary to retain the original, shall direct a copy to be made at the expense of the applicant, and shall return the original to the party/ person producing the original.

19. *Suo motu* power to Court to summon public records.—Nothing in Rule 17 of this Chapter shall prevent the Court of its own motion from sending for public records or other documents in custody of a public officer, or Court if it thinks it necessary for meeting ends of justice. Expenses for such summoning and of production of such records or documents shall be paid by such party as the Court directs.

20. Party to appear first.—If a party or his authorized agent or the representative of a corporate body party intends to appear as a witness, he shall so appear before any other witness, on his or its behalf, has been examined.

Provided Court/ Registrar/ Commissioner may, on an application made in this behalf and for reasons to be recorded, permit him to appear as his or its own witness at a later stage.

21. Court to ascertain time.—Before fixing a date for evidence or allotting time, the Court/ Registrar will ascertain from all the Advocates of parties, the estimate of the likely time that may be required in examination/ cross-examination of witnesses by them.

22. Undertaking from witness.-In case, witnesses are present at the time of fixing the date(s) for evidence they would be informed accordingly and an undertaking would be taken from them that they would appear on the date fixed for evidence.

23. Scrutiny of case.-In case, where the matter has been sent to the Registrar/ Commissioner for recording evidence, the Court shall fix a date for scrutiny to assess the progress of the case. On the date fixed for scrutiny, the Court shall, if necessary, give such directions as may be considered necessary for expeditious conclusion of the trial.

24. Reception of electronic evidence - A party seeking to tender any electronic record shall do so in a CD/DVD/ Medium, encrypted with a hash value, the details of which shall be disclosed in a separate memorandum, signed by the party in the form of an affidavit. This will be tendered along with the encrypted CD/DVD/ Medium in the Registry. The electronic record in the encrypted CD/DVD/ Medium will be uploaded on the server of the Court by the Computer Section and kept in an electronic folder which shall be labeled with the cause title, case number and the date of document uploaded on the server. Thereafter, the encrypted CD/DVD/ Medium will be returned to the party on the condition that it shall be produced at the time of admission/denial of the documents and as and when directed by the Court/ Registrar. The memorandum disclosing the hash value shall be separately kept by the Registry on the file. The compliance with this rule will not be construed as dispensing with the compliance with any other law for the time being in force including Section 65B of the Indian Evidence Act, 1872.

25. Recording of evidence on the basis of electronic record- (i) After the settlement of issues, when date is fixed for recording of evidence before the Court/ Registrar/ Commissioner, if all parties agree, the electronic file can be made available and trial be conducted on the basis of the electronic record, with all sides extending cooperation to the Court/ Registrar/ Commissioner to exhibit/ mark original documents on the electronic file and then proceed with the trial based on electronic record. This electronic file will also be available to the Commissioner to enable him to record evidence at a location outside the Court in accordance with these Rules.

(ii) If any further exhibit/ or other markings are to be done on the original record, the Commissioner can make that as a part of his order and then putting of exhibit/ or other mark would be done on the original file on a mutually convenient date and time, even without presence of witness, but in presence of Advocates for parties.

26. Document filed in sealed cover.-Wherever a document has been filed in a sealed cover, the Registry will ensure that the sealed cover is made

available at the time of recording the evidence in the event, a party requisitions the same.

27. Court record.—The record of the case or relevant portion thereof, shall not be taken outside the Court premises except unless directed by the Court/ Registrar General/ Registrar in exceptional circumstances and for reasons to be recorded by the Court/ Registrar General/ Registrar.

28. Manner of recordal of evidence.— (i) The evidence shall be taken down in writing/ typing and as far as possible in the narrative. However, if so required, the evidence may be recorded in question-answer form. Any objection raised during the recording of evidence before the Registrar or the Commissioner shall be recorded by him and decided by the Court at the stage of final arguments, unless the Registrar or the Commissioner is of the opinion that it will not be possible to further proceed with the matter without the decision on the objection raised. Such objection shall be immediately placed before the Court for decision.

(ii) It will be permissible for the Court/ Registrar/ Commissioner to use transcription facilities or tools for recordal of evidence, and costs for the same shall be borne as per the orders of Court/ Registrar.

(iii) Parties/ Witnesses shall be entitled to a copy of the deposition, free of cost, at the conclusion of each date.

29. Numbering of witnesses and documents.—(i) Depositions of witnesses shall be numbered in one consecutive series.

(ii) The Court Master of the Court/ Registrar, or the Commissioner, as the case may be, shall take charge of every document or article, produced during the trial for the first time.

(iii) Documents/ articles admitted in evidence shall be numbered/ marked/ exhibited in one consecutive series. The exhibit or mark of every such document or article shall be done with an alphabet and/ or numerals that indicate the party by whom the exhibit/ marked document has been filed and / or the witness by whom it is proved.

30. Deposition to be read over and signed by the witness.—After recording of deposition of a witness, the same shall be got signed/ thumb impression affixed on all pages. However, where required the deposition shall be read over and, when necessary, interpreted to the witnesses, before obtaining his signature/ thumb impression thereon. The Court/ Registrar/ Commissioner shall affix his signatures and date of examination.

31. Examination of documents.—The Court Master of the Court/ Registrar or the Commissioner, as the case may be, shall examine all documents produced or offered in evidence and bring any apparent insufficiency of court-fee or other stamp to the notice of Court for orders. He

shall endorse all documents admitted in evidence and all documents rejected, with particulars required by law, and sign or initial such endorsements.

32. Endorsement on documents.-A document, when tendered in evidence or produced before Court/ Registrar/ Commissioner, shall not be so endorsed or marked with the Seal of the Court or any exhibit mark, as to make any part thereof illegible. Such endorsement, Seal of the Court or exhibit mark shall always be made on such part or parts of the document as do not contain any writing and preferably on the side, top or bottom margin or cover page, if any, of the document.

Provided that, if in any exceptional case, no such part or parts of the document are available for placing the endorsement, Seal of the Court or mark, then the same shall be placed on a separate slip of paper and then such slip shall be attached to the document. Such corresponding observations shall be made in the order sheet.

33. Witnesses not to be present in Court during hearing of the suit.—Where a party has more than one witness, whilst evidence of that party is being recorded, witnesses of that party who are yet to depose, would remain outside the court room till such time they are called to depose.

34. Exhibits other than in English to be translated.—Except with leave of the Court, no document, not in English language, shall be read or received in evidence, unless it is translated in English in accordance with these Rules.

35. Interrogatories to witnesses. - The Court/ Registrar shall have the power to order delivery of interrogatories to a witness instead of ordering recording of his evidence before the Court/ Registrar/ Commissioner. For this purpose, the party to whom such directions are issued shall, within 10 days of such order, file the interrogatories with advance copy to the other party. The concerned witness shall answer to the interrogatories, in forms provided by the Code, within 30 days of delivery of interrogatories or such other period as the Court/ Registrar may specify.

36. Official Translator/ Interpreter.-The Court/ Registrar/ Commissioner may utilize services of an official translator/ interpreter from authorities/ bodies duly recognized by the Court, Central or State Governments, for the purpose of recording evidence.

37. Reception, retrieval, authentication and preservation of Electronic Records.-The extant rules/ guidelines/ procedures made applicable to reception, retrieval, authentication and preservation of 'electronic records', as defined in the Information and Technology Act, 2000 stand incorporated by inclusion in these Rules.

38. Recording of evidence by video conferencing.-The Court/ Registrar/ Commissioner may, if it deems appropriate, direct use of video conferencing in accordance with guidelines issued by Court, from time to time, for conduct of court proceedings between Court(s) and remote site(s). Guidelines presently enforce are incorporated by inclusion in these Rules and annexed hereto as Annexure-B.

CHAPTER XII COMMISSIONS

1. Commissions.-Court may issue commission(s) from time to time, inter-alia, for –

- (i) making local investigation;
- (ii) scientific investigation;
- (iii) performance of a ministerial act;
- (iv) sale of movable or immovable property;
- (v) examination and/ or adjustment of accounts;
- (vi) recording evidence;
- (vii) carrying out partition of immovable property;
- (viii) carrying out partition of movable assets;
- (ix) carrying out search and seizure orders; and
- (x) any other purpose considered appropriate by the Court.

2. Order to be sent to Commissioner.-Where commission has been issued, the order appointing him shall be sent to him at the earliest and no later than seven days from the date of such order.

3. Power of Commissioner to serve.-Where a Commissioner has been appointed by the Court for local investigation, search, seizure, taking inventory or for carrying out any other act/ assignment in accordance with the order of the Court, for proper elucidation of any matter in dispute and the defendant has not been served, the Court may, in addition to the other modes of service, direct the Commissioner to serve the summons on the defendant along with plaint, documents, interlocutory application and copy of the orders of the Court, with a further direction to mention such service in his report. Such report of service would be deemed as sufficient service of the concerned person.

4. Execution of Commission.-The Court may, if it considers appropriate, in such order, issue directions, as may be necessary, for execution of the commission, including directions to Commissioner to take copies of documents; take custody of documents, books of accounts, balance sheets etc.; to release the goods, documents on *superdari* to a named person/ party.

Such documents/ copies shall be placed before Court along with the report of the commission. If Court considers appropriate, it may treat such documents as evidence, after giving opportunity of objection(s) to opposing party(s).

5. Disclosure of conflict of interest.-Commissioner shall make a disclosure that he does not have any conflict of interest with any of the parties or the lawyers/ law firm involved in the matter.

6. Fee of the Commissioner.—(a) The Commissioner shall be paid the fees and in such manner as may be ordered by Court.

(b) The Court or the Registrar, as the case may be, may order that such amount, as it or he considers proper, be deposited in Court in advance towards fee payable to Commissioner or paid directly to the Commissioner, together with expenses for execution of the commission, within seven days of the grant of commission or letter of request or within such further time as may be allowed. In default, the matter shall, unless otherwise ordered, for reasons recorded in writing, be fixed for further proceedings.

(c) If at any subsequent time, the Court is satisfied that the deposit made under these Rules is not sufficient to cover remuneration of the Commissioner, it may, after notice to parties or their Advocates, order such further amount, as it considers proper, be deposited in Court or paid directly to the Commissioner, within seven days from the date of such order or within such further time as the Court may allow. In default, the procedure prescribed in these Rules shall be followed.

(d) The fees directed to be paid by the Court shall not be varied or altered by the Commissioner even with mutual consent of parties.

7. Database of Commissioner(s).-The name(s) of persons appointed as Commissioner(s) together with details of cases in which they have been appointed; their dates of appointment(s); schedule of fee ordered to be paid and received by the Commissioners and whether such commissions are pending or completed shall be maintained in the database.

Commission to Examine Witnesses

8. Commission to examine witness.-(i) The court may pass orders for appointment of Commissioners in order to expedite the recordal of evidence. The Court shall, at the time of appointing a Commissioner for recording evidence, give such directions as may be considered necessary for this purpose, including in relation to manner of recordal, making available judicial record, timings for recordal of evidence, manner of recordal of objections, outer time limit for conclusion of oral evidence, imposition of time limits for cross examination, fee to be paid, party who should pay the

✓

fees for the Commissioner etc. The Court while appointing a Commissioner for recordal of evidence, would consider the number of cases already pending before the said Commissioner for recordal of evidence.

Notwithstanding anything contained elsewhere in these Rules, the Court may, in its discretion, order recording of evidence by commission at any stage of proceedings. Such order shall be passed by the Court after hearing the parties concerned.

(ii) The Commissioner shall ordinarily not adjourn recording of evidence for a period beyond one week. Upon receipt of a request for a longer adjournment, the matter shall be forthwith placed before the Court for appropriate orders.

(iii) The Commissioner shall follow the procedure prescribed by the Code, Indian Evidence Act, 1972 and these Rules, for recording of evidence.

(iv) The Commissioner shall record all objections raised during recording of evidence and shall not delay or adjourn the recording of evidence on that ground. All such objections shall be decided by the Court at the time of the final **hearing or at such time as the Court considers appropriate.**

(v) If the Commissioner is of the view that a party is unduly, unreasonably or unjustifiably prolonging examination/cross examination of a witness; the Commissioner shall record the same and immediately bring it to the notice of Court/ **Registrar** for appropriate orders.

(vi) The Commissioner shall file his reports and record of proceedings on a hearing-to-hearing basis. The Commissioner shall in his record of proceedings/ order sheet, mention the time at which the proceedings commenced; the times at which the examination-in-chief, cross examination, and re-examination, if any, respectively, commenced and concluded. In such record the Commissioner shall also mention the time at which commission proceedings closed on the said date.

(vii) The Commissioner shall obtain signatures of witness on every page of his testimony. In case of failure of witness to affix signature, the Commissioner shall make an endorsement to this effect on the statement of the witness.

(viii) Where evidence is to be recorded, the Commissioner shall, to the extent possible, make himself available for recording evidence throughout the working hours of the Court and endeavour to record evidence on a day-to-day basis, except for the reasons to be recorded in writing.

(ix) The Commissioner shall complete recording of evidence, within the time stipulated by the Court and in any case within six months from the date first fixed before him. In case the recording of evidence cannot be completed within the timeline fixed by the Court, the Commissioner shall furnish a

report explaining reasons for delay and direct parties to seek appropriate orders from Court. The Court, in its discretion, upon examining the report of the Commissioner, may grant a further period within which the commission is to be completed or pass such orders as it considers appropriate.

9. Examination *de bene esse*.—Notwithstanding anything contained in these Rules, commissions for examination of parties and/or witness *de bene esse* may be issued at any time where the Court considers it not possible for such examination to be conducted by Court.

Commissions for Accounts Etc.

10. Commissioner for taking accounts etc.—The Court may appoint a suitable person as Commissioner for taking accounts, making local investigations and effecting partition of movable/ immovable property.

11. Registrar to send necessary proceedings to Commissioner.—The Registrar shall furnish to the Commissioner with such part of the proceedings as may be necessary.

12. Commission for taking accounts how executed.—(a) The Commissioner shall fix the period within which the statements of accounts and objections thereto are to be filed by parties concerned.

(b) The statement of account shall be in the form of a debtor and creditor account and shall be verified by the party concerned or his agent. The items on each side of the account shall be numbered consecutively and a balance shall be shown.

(c) The statement of objections shall specify the items to which objections are taken by reference to their numbers in the statement of account.

(d) The statement and objections shall also state,

(i) the grounds of each objection, and

(ii) the balance, if any, admitted or claimed to be due: and it shall be verified by the affidavit of the party concerned or his agent.

(e) If any party fails to file his statement of account or objections within the period allowed, the Commissioner shall report the fact to Court.

(f) When the case before him is ready for hearing, the Commissioner shall, after reading the statements filed before him and after examining the parties, if necessary, ascertain the points on which the parties are at issue and require them to produce their oral and documentary evidence on such points.

(g) After the evidence has been duly taken and the parties have been heard, the Commissioner shall submit his report together with the entire record and a statement in the form of diary of the proceedings before him. The report shall state:

- (i) The contested items allowed or disallowed by the Commissioner;
- (ii) The reasons for allowing or disallowing the above;
- (iii) The amount found due;
- (iv) The name of the party to whom it is due; and
- (v) The name of the party by whom it is due.

13. Notice of filing of report; filing objections thereto.—(a) On receipt of the report of the Commissioner, other than the report forwarding deposition of a witness recorded by him, the Registrar shall give notice to parties to suit or matter of filing of the report.

(b) Any party desiring such report to be set aside or varied shall, unless the Registrar otherwise directs, within ten days from date of service of such notice on him, file his objections thereto and serve a copy of the same on other parties to the suit or matter. After objections have been filed as aforesaid, the suit shall be set down for hearing of such objections. If any party, after having filed objections, abandons or does not proceed with them, any other party having the same interest, shall be at liberty to proceed with such objections.

(c) Notwithstanding anything elsewhere provided in these Rules, the pendency of any objection to reports furnished by the Commissioner shall not delay the progress of the trial.

14. Foreign Commissions.—Notwithstanding anything contained in this Chapter, Commissions and Letters of Request for examination of witnesses in foreign countries, will be governed by directions issued by the appropriate authorities from time to time.

CHAPTER XIII ADJOURNMENTS

1. Adjournments to be to a day certain.—All adjournments shall be to a day certain. No suit or matter shall be adjourned *sine die* except for reasons recorded in writing. No adjournment shall be granted except on good cause and in exceptional and unavoidable circumstances. Consent of parties by itself shall not be a good cause for seeking adjournment. An adjournment shall be on such terms as ordered by the Court/ Registrar, including imposition of exemplary costs as provided in Chapter XXIII of these Rules.

CHAPTER XIV COMPROMISE IN PAUPER SUITS, HEARING IN FINAL MATTERS, PRONOUNCEMENT OF ORDERS, JUDGMENTS AND DRAWING OF DECREES

1. No compromise without leave of Court in pauper suits.—Where a plaintiff has been permitted to sue *in forma pauperis*, the suit shall not be compromised without leave of the Court.

2. Hearing in final matters.—(a) All final arguments matters shall be paginated by the Registry at least one week before they are listed before Court as a final matter.

(b) It will be duty of Advocates for parties to exchange, at least one week before the date fixed for final arguments, their respective list of judicial precedents to which they are likely to refer.

(c) Advocates for parties shall, at least two days before the date fixed for final arguments, submit a short synopsis, running into, as far as possible, not more than five pages, arranged issue wise, giving the details of oral and documentary evidence relied upon, to prove issues giving reference to relevant pages. In addition, they shall also file compilation of judgments with an index on each point of law that they wish to submit before Court.

3. Recording of time during final hearing.—At the hearing of a suit or other original proceedings in Court, the Court Master shall make a note of the times at which each hearing commenced and terminated respectively on each day on which it was heard. The same shall be recorded as part of the record of proceedings for the day.

4. Written judgment of one or more Judges how pronounced.—(1) Judgments may be either oral or written;

(2) When the Court delivers an oral judgment, it shall be taken down by the shorthand-writer. A transcript shall then be prepared for correction by the Judge or Judges who delivered the judgment. A fair copy of the transcript so corrected shall be signed by the Judge or Judges and dated with the date of delivery and shall be the record of the judgment.

5. When any suit or matter is heard by two or more Judges—

- (i) If they have agreed to a written judgment and signed it, one of them may pronounce the judgment in the absence of the other or others;
- (ii) if any one or more of them have written separate judgments, one of them may pronounce the judgments written and signed by the other or others in his or their absence.

6. Findings of Court to be read out.—Where a written judgment is to be pronounced, it shall be sufficient if findings of Court on each issue and the final order passed in the case are read out. It shall not be necessary for Court to read out the whole judgment. However, a copy of the whole judgment shall be made available for perusal of parties or their pleaders immediately after the judgment is pronounced.

7. **Payment of costs - a condition precedent for bringing a fresh suit.**—When a suit is allowed to be withdrawn, with liberty to bring a fresh suit in respect of the same subject-matter, then, unless the Court otherwise directs, a decree shall be drawn up, so as to make payment of costs of the suit, a condition precedent to the plaintiff bringing a fresh suit.

8. **Settling of draft of decree.**—(i) Where the Registrar considers it necessary that the draft of any decree or order should be settled in presence of parties, or where parties require it to be settled in their presence, the Registrar shall, by notice in writing, appoint a time for settling the same and parties shall attend the appointment and produce their briefs and such other documents as may be necessary to enable the draft to be settled.

(ii) Where any party is dissatisfied with the decree or order, as settled by the Registrar, the Registrar shall not proceed to complete the decree or order without allowing that party sufficient time to apply, by motion to the Court.

9. **Copies of decrees to Collector in case of pauper costs.**—The Registrar shall cause copies of decrees to be prepared without delay for communication to the Collector, in cases in which pauper costs are recoverable by the Government.

10. **Errors how rectified after decree sealed.**—After a decree or order has been signed, any application to rectify any inaccuracy, other than a clerical or arithmetical error and to make it in accordance with the judgment, shall be made to the Judge who passed the decree or order, or in the event of his absence, to any other Judge, and the Judge may, after notice to parties, when he deems it necessary, amend the same so as to bring it into conformity with the judgment, or rectify such inaccuracy or error. Save as aforesaid, no alternation or variation shall be made without a review of judgment, and re-hearing under the provisions of Section 114 and Order XLVII of the Code.

CHAPTER XV SUITS BY OR AGAINST MINORS AND PERSONS OF UN SOUND MIND

1. **Admission of next friend to bring a suit.**—When a suit is brought on behalf of a minor, the next friend shall, in addition to complying with other applicable provisions of these Rules and the Code, make an affidavit, to be presented with the plaint in the suit, that he has no interest directly or indirectly adverse to that of the minor, and that he is otherwise a fit and proper person to act as such next friend. The age of the minor shall also be stated. No formal appointment of the person instituting the suit as next friend need be made.

2. Next friend to file address for service.—(a) The next friend shall provide particulars for address as stipulated in Rule 3 of Chapter III of these Rules

(b) If the next friend fails to comply with the above while filing the suit, or within the time granted by the Registrar, the plaint shall not be admitted.

3. List of all likely guardians *ad litem* to be filed.—(a) In suits, where the defendant is a minor, the plaintiff shall file with the plaint, a list of relatives and all other persons, with their correct addresses, who *prima facie* are most likely to be capable of acting as guardian for the minor defendant in the suit.

(b) A notice shall be issued simultaneously to all such persons ~~for which a single process fee shall be payable~~. Such persons shall be deemed to be unwilling to act as guardian *ad litem*, if, after service of notice, they fail to appear on date fixed.

(c) If the persons specified in the list filed under sub-Rule (a) of this Rule 3 are unwilling to act as guardian *ad litem*, the Registrar may, if there be more defendants than one, and their interests are not adverse to that of the minor, appoint one of such defendants, who may be willing to act as guardian *ad litem*; or may appoint, forthwith, one of the officers of the Court as such guardian *ad litem*.

4. Address for service of guardian *ad litem*.—Every guardian *ad litem* of a defendant, other than an officer of the Court, shall, *within seven days* of the order of his appointment as such or within such further time as the Registrar may allow, file in Court, particulars as provided in Rule 3 of Chapter III of these Rules. Failure on his part to do so may be deemed sufficient ground for removing him under Order XXXII rule 11 of the Code.

5. Application of Rules 1 to 4 to persons of unsound mind and to appeals and applications.—The provisions contained in this Chapter, so far as they may be applicable, apply *mutatis mutandis* to persons adjudged to be of unsound mind and to persons who, though not so adjudged, are found by Court on enquiry to be incapable of protecting their interests, when suing or being sued by reason of unsoundness of mind or mental infirmity. These provisions shall apply to appeals and applications connected therewith.

CHAPTER XVI SUMMARY SUITS

1. Summary Suits.—Order XXXVII of the Code, as in force from time to time, shall apply to suits filed under this Chapter, even where the suit is registered as a Commercial Suit.

CHAPTER XVII COMMERCIAL SUITS

1. Commercial Suits.—In exercise of the powers conferred under Section 18 of the Commercial Courts Act, the Delhi High Court has issued Practice Directions in addition to these Rules to supplement the provisions of Chapter II of the Commercial Courts Act or the Code, in so far as such provisions apply to the hearing of commercial disputes of a specified value. The 'Practice Directions under Section 18 of The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015' are annexed hereto as Annexure E. ~~The provisions of Annexure E to these Rules shall, with suitable adaptation be applicable to suits other than commercial suits, to the extent they are not inconsistent with each other.~~

Formatted: Not All caps
Formatted: Not All caps
Formatted: Font: Not Bold
Formatted: Justified, Indent: First line: 0.75 cm

CHAPTER XVIII DATES AND CAUSE LISTS

1. Cause lists.— The cause list shall be prepared under the directions of the Registrar General and signed by him. The cause list of the Court would comprise of the categories of cases as follows:

- a. Supplementary matters (fresh matters and fresh applications)
- b. Short matters including Case Management hearings
- c. Short cause matters
- d. Final matters

The Court shall have the discretion to direct listing of any matter in any category.

2. Hearing of matters.—Supplementary matters shall be taken up from 10.30am onwards followed by short matters including case management hearings. Short cause matters shall be taken up thereafter. All matters in which arguments are required to be heard, shall be part of the short cause matters. The Court shall fix actual dates in all these matters except that the Registrar can fix the cases before the Court in Short Matters. Where the actual dates of hearing are yet to be fixed in the cases, the Registrar shall fix the said matters as Short Matters before the Court for fixing the actual dates of hearing. ~~Cases in which evidence is to be recorded shall be listed in the category of Long Cause and these are coming up for hearing after evidence shall be listed in the category of Finals.~~

3. Short cause matter shall include -

- (i) *Ex-parte* suits;
- (ii) Undefended suits;
- (iii) Suits to which Chapter XVI, applies including summary suits, cases where preliminary issues are to be decided, summary proceedings in commercial matters;
- (iv) Mortgage suits, rent suits on bonds or acknowledgement;
- (v) Objection to Commissioner's report;
- (vi) Such other suits or matters as may, by special order of the Court, be directed to be tried as short causes.

4. Time slots.-The Court may, by order, fix the time allotted for hearing short cause and other matters in accordance with its cause list and as considered appropriate by the Court. The Court may in its discretion, considering the nature of the case, pass such orders as it deems fit and appropriate for speedy and expeditious disposal of the case; cutting short the litigation and taking such steps in this behalf.

5. Final Matters.-The Court may, from time to time, issue any direction reserving specific days or time for hearing Final matters. The Court/Registrar may order listing of matter in Final as it considers fit and appropriate.

6.Record to be maintained.-For facility of fixation of causes in the Court, bound registers or e-record will be maintained by the Court_Masters incorporating the above said classification and the actual dates fixed.

7. Format.-A format, as given below, so far applicable, will be filed by the plaintiff in new matters, and in pending matters the format will be filed by both the parties. Thereafter, the format will be filled in and completed by the Court_Masters as and when new applications are filed and disposed of.

**IN THE HIGH COURT OF DELHI AT NEW DELHI
SUIT/PETITION/O.M.P./AA NO.....OF**

.....Plaintiff(s)/Petitioner(s)

v.

.....Defendant(s)/Respondent(s)

Nature of the matter:

Status invoked:

ADVOCATES

.....
Plaintiff(s)/Petitioner(s)

.....
Defendant(s)/Respondent(s)

INTERLOCUTORY APPLICATIONS (IAs)

S. No.	No. & Yr.	Filed by Plaintiff/ Defendant	Provisions of Law	Nature of Relief Sought	Remarks

CHAPTER XIX AFFIDAVITS

1. Proof of facts by affidavits.—The Court may, at any time for sufficient reasons, order that any particular fact or facts be proved by affidavit, or that the affidavit of any witness be read at the hearing, on such conditions as the Court thinks reasonable:

Provided that where it appears to the Court that either party *bona fide* desires that production of a witness for cross-examination and that such witness can be produced, an order shall not be made authorizing the evidence of such witness to be given by affidavit.

2. Evidence by affidavit.—The Court may upon any application of either party showing sufficient cause, order attendance, for cross-examination of the deponent, and such attendance shall be in Court, unless the deponent is exempted from personal appearance in Court or the Court otherwise directs. Affidavits by way of evidence shall not merely reproduce pleadings and documents already filed.

3. Title.—Every affidavit shall be instituted in the cause, appeal or matter in which it is sworn.

4. Form.—Every affidavit shall be drawn up in the first person, and shall be divided into paragraphs to be numbered consecutively, and shall state the description, occupation if any, and the true place of abode of the deponent.

5. Contents of affidavit.—Affidavits shall be confined to such facts as the deponent is able, of his own knowledge to prove, except on interlocutory applications, on which statements of his belief may be admitted, provided that the grounds thereof are stated.

6. Interpretation of affidavits.—An affidavit requiring interpretation to the deponent, unless interpreted by any of the persons mentioned in Rule 7, shall be interpreted by an interpreter, nominated or approved by the Court, if made within the jurisdiction of the Court, and if made elsewhere, shall be interpreted by a competent person who shall certify that he has correctly interpreted the affidavit to the deponent.

7. Before whom affidavits are to be sworn.— (a) Affidavits for the purposes of any cause appeal or matter may be sworn before a Notary or any authority mentioned in Section 139 of the Code or before the Court/Registrar, or before the Commissioner generally or specially authorized in that behalf by Court. The authority attesting any such affidavit shall, wherever the person is known to him, append a certificate to that effect on the affidavit, and where the person affirming the affidavit is not known to the authority concerned, the certificate shall state the name of the person by whom the person affirming the affidavit has been identified.

(b) Wherever an affidavit is affirmed by an illiterate person, or a person not conversant with English language, the authority concerned shall, before attesting the same, translate and interpret the contents of the affidavit to the person affirming the same, and certify the said fact separately under his signature.

(c) Affidavits signed outside India, shall be signed and apostilled in accordance with the provisions of the 'Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents, 1961'

8. Pardahnashin_women.—Where the deponent is a Pardahnashin woman, unless she is known to the person attesting the affidavit, she shall be identified by a person to whom she is known, and that person shall also prove the identification by a separate affidavit.

9. Marking, dating and initiating on exhibits.—Every exhibit annexed to an affidavit shall be marked, initialed and dated by the authority before which it is sworn.

CHAPTER XX RECEIVERS

1. Application for appointment of Receiver to be by petition supported by affidavits.—(i) Every application for the appointment of a receiver shall be made in writing and shall be supported by an affidavit.

(ii) No Judicial Officer shall be appointed as a Receiver in any proceedings in Court.

(iii) A copy of the order of appointment shall be sent to the Receiver.

2. Database of Receiver(s).— The name(s) of persons appointed as Receivers together with details of cases in which they have been appointed; their dates of appointment(s); schedule of fee ordered to be paid and received by the Receiver(s) shall be maintained in the database.

3. Receiver other than official Receiver to give security.— (a) Where an order is made directing a Receiver to be appointed, the person appointed, if not the Official Receiver, shall, unless otherwise ordered, first give security to the satisfaction of the Registrar for the due performance of his duties as receiver. Unless the Court otherwise orders, the Registrar shall take the personal bond of the receiver with such number of sureties as he may consider necessary. The amount of the bond shall be double the annual rental of the immovable property, or the value of the movable property which is likely to come into the hands of the receiver. Such annual rental or value shall be estimated after notice to the parties and the receiver and in case of disagreement the matter shall be placed before a Judge in Chambers for orders.

(b) The sureties shall leave with the Registrar, an address within the jurisdiction of the Court for service of any notice on them.

4. Surety may point out omission or neglect of duty cast on receiver.—If the security mentioned in Rule 3, be furnished by the receiver by his executing a bond with a surety or sureties (including in the latter term, a guarantee Company or society), the surety or sureties shall be entitled, by an application to bring to the notice of the Court any act, omission or neglect of any duty cast on the receiver by law or any other circumstance, which would entitle the surety or sureties to be discharged from the obligation created by such bond and the Court may thereupon make such order and on such terms as it may think fit.

5. Receiver to submit report.—Unless otherwise ordered by the Court, the Receiver shall, within one week of the appointment, submit to the Court a detailed report regarding the property with an inventory of the property, account books, etc. taken charge of documents by him.

6. Directions for investment of monies in the hands of the Receiver.— Unless otherwise ordered by the Court, the Registrar shall, in consultation with the parties, give appropriate directions for the investment of all monies received by a Receiver. Ordinarily such monies shall be deposited in a Scheduled Bank or invested in Government securities.

7. Notice to surety of application effecting surety's risk.—The surety or sureties mentioned in Rule 4, shall be entitled to notice of any application to the Court, on the part of the receiver, or any other party interested relating to any property in the management or under the control of the receiver which

may affect the risk undertaken by the surety or sureties under the security bond furnished by the receiver and the Court upon hearing the said surety or sureties may make such order as to his or their cost of appearance in such application as it may think fit.

8. Powers of Receiver.—In the absence of any order in that behalf every receiver of immovable property shall have all the powers specified in Order XL, rule (d) of the Code, except that he shall not without the leave of the Court—

- (a) grant lease, or
- (b) bring suits, except suits for rent, or
- (c) institute an appeal in any Court (except from a decree in a rent suit) where the value of the appeal is over Rs.1,00,000/-; or
- (d) expend on the repairs of any property in any period of two years more than one-fourth of the annual rental of the property to be repaired, such rental being calculated at the amount at which the property to be repaired could be let out within fair state of repairs.

9. Receivers' remuneration.—The scale of remuneration of the Receiver shall, unless otherwise ordered by the Court in a particular case, be as under—

- (1) on
 - (a) rents recovered,
 - (b) outstanding recovered except as provided in item (2) below, and
 - (c) value realized on the sale of movable and immovable properties calculated on any one estate:
 - (i) On First Rs.10,000/- 5 p.c.
 - (ii) Above Rs.10,000/- up to Rs.20,000/- 3 p.c.
 - (iii) Above Rs.20,000/- up to Rs.50,000/- 2 p.c.
 - (iv) Above Rs.50,000/- up to Rs.1,00,000/- 1 p.c.
 - (v) Above Rs.1,00,000/- ½ p.c.
- (2) On outstanding recovered from a Bank or from a public servant without filing a suit—
 - (i) Up to Rs.1,00,000/- 1 p.c.
 - (ii) On any further sum exceeding Rs.1,00,000/- ½ p.c.
- (3) For taking charge of movable property which is not sold on debentures, debenture-stock or other securities which are not sold on the estimated value 1 p.c.
- (4) For taking custody of moneys 1 p.c.
- (5) For taking custody of Government securities of stocks, shares, the estimated value 1 p.c.

(6) For any work, not provided for above, such remuneration as the Court on the application of the receiver shall think reasonable.

Whenever the properties are in charge of an official Receiver the above fees shall be credited to Government revenue.

10. Establishment and costs therefore to be detailed in the appointment order.—The establishment, clerical or otherwise, required by a Receiver, if any, and the cost thereof, chargeable to the state or property of which he is appointed Receiver shall, as far as possible, be detailed in the order of appointments or in subsequent order.

11. No charge for additional establishment allowed.—Unless otherwise ordered, no charge for establishment shall be allowed to the receiver.

12. Receiver to file half-yearly accounts.—(i) Every Receiver shall, unless otherwise ordered file his half-yearly account in Court, the first of such accounts to be filed within one month after the expiration of six months from the date of his appointment, and every subsequent account within one month after the expiration of each succeeding period of six months, or in a case where the purpose for which the Receiver was appointed has been carried out or completed before the expiry of six months from the date of appointment, within one month from the date of such carrying out or completion.

(ii) Every such account shall show the balance in hand, and if so what portion thereof is required for the purpose of the estate and how much may be paid into Court or invested, and shall be verified by an affidavit.

13. Examining and vouching of accounts by Registrar.—Every such account, before being submitted to the Court, shall be examined and verified by the Registrar, who may for this purpose require the attendance of the Receiver or his explanation or his evidence upon oath or affirmation or the production of any document by him and receive within such time as he may appoint and decide objections to the account and shall embody the result of his examination in a report.

14. Appointment of date for passing accounts—Notice thereof.—After the Registrar shall have submitted his report to the Court under Rule 13, he shall obtain a date from the Court for passing such accounts, or which date notice shall be given to the person interested including the sureties and to the receiver.

15. Objection to report to be filed.—Objection, if any to the report shall be filed in Court, one week before the day fixed for the passing of the accounts or within such further time as may be allowed by the Court. They

shall specify, in a concise form, the nature of the objection and shall be signed and verified.

16. Passing of accounts by Court.—Where no objections are filed, the Court shall, if otherwise satisfied, pass such accounts. Where objections have been filed, the Court shall, subject to Rule 18, after hearing the objections, make such order as it may think proper.

17. Procedure of hearing of objections.—The Court may, from time to time, adjourn the hearing of any objections or may refer them to an officer of the Court or to any other person, with such directions as the Court may deem fit.

18. Auditing of difficult and complicated accounts.—In any case where the accounts are difficult and complicated, Court may order such accounts to be audited at the expense of the estate by a Chartered Accountant.

19. Order as to payment of balance.—The Court, on the passing of the Accounts, may make such order as to the payment of the balance, or any part thereof, either into Court or in such other manner as may seem proper.

20. Consequence of Receiver's negligence to file accounts or pay the balance etc.—Where any Receiver neglects to file his accounts, or to pass the same or to pay the balance or any part thereof as ordered the matter shall be reported by the Registrar to Court, and the Court may, from time to time, when the accounts of such Receiver are produced to be examined and passed, not only disallow, the remuneration therein claimed by such Receiver but also charge him with interest not exceeding nine per cent per annum upon the balance, if any, so neglected to be paid by him during the time such balance shall appear to remain in the hands of such Receiver.

21. Consequence or default by Receiver.—Where any Receiver fails to file any account or affidavit or to make any payment or commits any other default, the Receiver or persons interested or any of them, may be required by notice to attend before the Court to show cause why such account or affidavit has not been filed or such payment made or any other proper proceeding taken and thereupon the Court may give such directions as may be proper, including the discharge of the Receiver and appointment of another and also the payment of costs by the defaulter.

22. Rule 8 applicable to manager or guardian.—Subject to the order of the Court, Rule 8 shall apply to a guardian of the person or estate of a minor and the manager of the estate of a lunatic appointed by the Court.

23. Interim Receiver.—Unless otherwise ordered by the Court, the provisions of this Chapter shall apply *mutatis mutandis* to orders for appointment of interim receivers.

CHAPTER XXI
SECURITY PROCEDURE

1. Security Summons.—(a) Subject to any directions given by the Court, where security is ordered to be given to the satisfaction of the Registrar the party ordered to give security shall take out summons within 14 days of the date of the order and shall serve the same upon the opposite party.

(b) The summons shall state the name and address of each surety to be tendered and a full and sufficient description of the property to be given as security.

2. Affidavit to Justification.—(a) Simultaneously, every person offering himself as a surety shall make and file an affidavit of justification touching the value of his property and the debts and liabilities to which it is subject and also a draft of the bond proposed to be given. Copies of such affidavits and the draft bond will be served along with the summons on the opposite party.

(b) Affidavits of justification shall be deemed insufficient unless they state that each person justifying is worth the amount required, over and above what will pay his just debts and over and above every other sum for which he is then surety.

3. Time for inquiry.—Unless time be extended by the Court, the Registrar shall allow or disallow the surety within 60 days of the date of the order requiring security.

4. Production of title deeds etc. and examination.—(1) Every person offering himself as surety, shall produce before the Registrar all his title deeds, vouchers and other relevant and necessary documents on the day fixed for his examination. Such person may be examined by the Registrar on oath or solemn affirmation touching the value of his property, and the debts and liabilities to which it is subject. After being examined and allowed, he shall sign the requisite bond and shall deposit his title deeds, vouchers and such other documents as the registrar may require:

Provided that in any case the Registrar may, on good cause shown, dispense with the deposit of some or all of the said documents and may return the same to the surety with an endorsement thereon as follows:

To Whomsoever it May Concern

Take notice that the property to which this document relates stands charged for the payment of a sum of Rs.....by a bond executed

on.....day of (month), (year)by.....in suit No.....of
.....titledvpending in the High Court of Delhi.

(2) The endorsement referred to in the proviso to sub-Rule (1) shall be cancelled by the Registrar when the surety is or stands discharged.

5. Property in respect of which surety may justify.—The title deeds may relate to immovable property situated beyond the local limits of the ordinary jurisdiction of the Court, but shall in all cases be in the name of the proposed surety. A surety may justify also in respect of movable property of which he can produce evidence satisfactory to the Registrar, such as, deposit receipts, Government Promissory Notes, or other evidence of title.

6. More than two sureties irregular.—A tender of notice of more than two sureties shall not be accepted except by order of the Court.

7. Who may be present at the examination.—Except with the specific permission of the Registrar, no person other than the party giving security, the sureties and their respective Advocates, the party or parties, if any, on whom notice has been served and his or their Advocate or Advocates, shall be present at the examination of any surety by the Registrar.

8. Who are not competent sureties.—Unless the Court otherwise orders, an Advocate practicing within the limits of the jurisdiction of the Court, a clerk of such Advocate or an officer of the Court, shall not be accepted as a surety.

9. Security for costs.—If a party is required to give security for costs, unless the Court otherwise orders, the penal sum in the bond shall not be less than twenty five thousand rupees.

10. Custody of securities and security bonds.—All papers and records relating to the taking of security, including securities and security bonds, shall be kept by the Registrar in safe custody in his safe in the strong room after making an appropriate entry in a register to be maintained by him for the purpose.

CHAPTER XXII

COURT DEPOSITS AND PAYMENTS

1. Payment of money.—(a) The Registrar and subject to his directions, any other officer of the Court shall receive all monies paid into the Court and shall pay out all monies duly ordered to be paid out of Court. All money received in Court shall be kept in fixed deposit for a reasonable period, subject to the orders which may be passed by the Court.

(b) Money may be paid or deposited in Court by postal money order. In that case, the person making the payment shall send to the Registrar a

statement containing full particulars regarding the intended payment or deposit.

2. Notice of payment or deposit to decree-holder or Collector.—(a) A person paying money into or depositing property in the Court in part or full satisfaction of a decree or order shall give notice through the Court of such payment or deposit to the decree-holder.

(b) Where the decree directs payment of Court-fees to Government under Order 33, rule 10 of the Code, no order shall be made on the application for payment of such money or delivery of such property without giving notice thereof to the Collector at the expense of the applicant.

3. Delivery of securities jewelry or other valuables into Court.—When jewelry or other valuables are brought into Court, three copies of a descriptive list thereof shall be presented and shall be checked and signed by the Registrar in the presence of the depositor. The jewelry or other valuables shall be placed in a box furnished with a lock and key to be provided by the Depositor. A copy of the list shall be kept in the box and the box shall then be locked and sealed with the Seal of the Court. One copy of the list shall be given to the depositor and the third copy of the said list and the key of the box shall be retained by the Registrar. The box shall thereafter be kept in safe custody by the Registrar or in such other custody as the Court may direct.

4. Application for payment of money etc.—Every application for payment of money or delivery of property deposited in Court, shall be instituted in the suit or matter and shall also show the number of the execution application, if any, pending, showing the right and interest of the party applying and the amount claimed.

5. Applications to be checked.—Applications to make or receive payments shall be duly checked by reference to the record of the suit or matter before submission for orders to the Registrar.

6. Payment by money order, bank draft, etc.—On the application of the decree-holder or other person entitled to any money deposited in Court and not expended for the purpose for which it was deposited, if there is no objection to the payment of money on the ground of attachment or otherwise, the Registrar may order that the amount, after making all necessary and lawful deductions, be sent to the applicant at his risk.

- (i) By money order, or
- (ii) By bank draft by registered post acknowledgement due; or
- (iii) In any other manner specified by the applicant, which the Registrar approves:

Provided that before payment is ordered to be made under clause (ii) or (iii), the applicant shall submit a duly stamped receipt for the amount due in the form given below:—

FORM OF RECEIPT

Received the sum of Rs..... (Rupees.....only) from the High Court of Delhi bearing the amount deposited in the said Court in (particulars of case) connection with (diet money/decree/costs etc.).

Dated (Stamp)

(Signature of the payee)

7. Written authority of client requisite for payment for Advocate.—

Unless otherwise ordered by the Court, no payment in excess of Rs.1,000/- shall be made to an Advocate on behalf of his client unless specifically directed by court and without special authorization in that behalf by the client in favour of the Advocate.

8. Account books to be kept.—The following account books shall be kept in hard copy or electronic form:

- (a) Book of receipts for money paid into Court.
- (b) Process-fee receipt book.
- (c) Register of deposit receipts, viz., register of sums received in Court in connection with suits or judicial proceedings and deposited with Government (to be kept in duplicate).
- (d) Register of deposit payments, viz., register, of payments from sums received into Court in connection with suits or judicial proceedings and deposited with Government (to be kept in duplicate).
- (e) Files of applications for refund of lapsed deposits and of statements of lapsed Civil Courts deposits.
- (f) Register of attached property.
- (g) Register of money received on account of subsistence money of civil prisoners, expenses of witnesses and miscellaneous petty items required for immediate disbursement.
- (h) Register of payments on account of subsistence money of civil prisoners, expenses of witnesses and miscellaneous petty items required for immediate disbursement.
- (i) Cash Book.
- (j) Ledger.
- (k) Bank of Treasury pass book.
- (l) Bank of Treasury cheque/voucher book.
- (m) Register of receipts and of withdrawal of property left in the custody of the Registrar.

(n) Such other registers as may be directed by the Chief Justice to be kept.

9. Signing of cheques and checking of accounts.—The Registrar or such other officer, as may be specifically authorized by the Chief Justice in that behalf, is authorized to sign cheques. He shall, at least once a month, call for the registers and accounts and satisfy himself that the entries have been carefully and properly made. When such inspection is made, he should note the fact in his own hand on the register or account inspected.

10. Notice to other party.—At the time of depositing any amount/ security/ property, the party making the deposit shall intimate to the other party all particular details of the deposit including the amount so being deposited.

CHAPTER XXIII COSTS & TAXATION OF COSTS

1. Power of Court/ Registrar General/ Registrar to impose cost.—(i) If the Court considers any party abusing the process of Court or in any manner considered dilatory, vexatious, mala fide and abuse of process by them, the Court shall require the delinquent party to make deposit / payment upfront, in the manner directed by Court of such costs as the Court deems appropriate, before proceeding further in the matter. For the purpose of this Chapter, the expression “Court” shall mean and include the Court, the Registrar General and the Registrar, as the case may be.

(ii) In addition to exercise of powers under Rule 1(i) above, the Court may impose suitable costs upon any party at any stage of the proceedings, including at the stage of filing any interlocutory application; framing of issues; determining order and conduct of recording evidence etc., if it considers imposition of such costs just, necessary and proper, according to the proceedings in the matter.

(iii) While determining costs, the Court may also take into consideration factors, such as, inconvenience caused to parties/ witnesses/ other persons connected with the proceedings; previous conduct of parties; the stage at which the offending conduct is committed by the delinquent party; the probability and likelihood of success of vexatious efforts of the delinquent party; the relevancy of number and nature of witnesses; questions (*including depositions by way of examination-in-chief*) put to the witnesses and such other conduct as the Court considers inappropriate.

(iv) Failure of the said party in making payment/ deposit of costs may result in all consequences provided in the Code for defaults and adverse orders being passed against the said party, as the Court deems appropriate

and proper, besides enabling the other party to file execution proceedings against the delinquent party for recovery of said costs.

2. Imposition of actual costs.—In addition to imposition of costs, as provided in Rule 1 of this Chapter, the Court shall award costs guided by and upto actual costs as borne by the parties, even if the same has not been quantified by parties, at the time of decreeing or dismissing the suit. In this behalf the Court will take into consideration all relevant factors including (but not restricted) the actual fees paid to the Advocates/ Senior Advocates; actual expenses for publication, citation etc.; actual costs incurred in prosecution and conduct of suit including but not limited to costs and expenses incurred for attending proceedings, procuring attendance of witnesses, experts etc.; execution of commissions; whether any reasonable offer to settle is made by a party and unreasonably refused by the other party, denial of documents due to frivolous reasons at the stage of admission / denial and all other legitimate expenses incurred by the party, which the Court orders to be paid to any party.

In addition to imposition of costs as above, the Court may also pass a decree for costs as provided in Sections 35-A and 35-B of the Code or under any applicable law.

3. Taxing Officer.—The Registrar or such other officer, as the Chief Justice may appoint for the purpose, shall be the Taxing Officer of the Court.

4. Time for filing Bill of costs.—(a) Parties shall file their respective Bill of costs at the following stages:—

- (i) at the stage of framing of issues;
- (ii) at the stage of the defendant being proceeded ex-parte or where the defendant has stopped appearing;
- (iii) at the stage of conclusion of evidence of the parties; and
- (iv) at the stage of delivery of judgment or final order.
- (v) additionally, each party may be required to file composite Bill of costs not later than fifteen days from the date on which the judgment is delivered or order is passed, or within such time as the Taxing Officer may allow.

(b) Notwithstanding Rule 4(a) of this Chapter, the Court may award costs at all or any stage of the case, as the facts and circumstances may warrant.

5. Contents of the Bill of costs.—The Bill of costs shall, inter-alia, set out:—

- (a) court fee
- (b) process fee spent;

- (c) expenses of witnesses, including the actual reasonable expenses incurred on travel, boarding and lodging, if any, and other incidental expenses;
- (d) Advocate's fee including the fee of a Senior Advocate, if any;
- (e) expenses of typing, photocopying and expenses incurred for sending summons by Registered post, speed post, courier, fax, electronic mail service and by such other modes as may have been directed by Court.
- (f) such other amounts as may be allowable under these Rules or as may be ordered by the Court as costs taking into account:—
 - (i) judicial time consumed in litigation;
 - (ii) delay in service of summons or efforts made in serving summons on the defendant, as the case may be;
 - (iii) delay caused by any of the parties by raising frivolous issues or unnecessary objections during the proceedings or during recording of evidence;
 - (iv) failure of a party to effect discovery of documents or its refusal to answer interrogatories;
 - (v) incorrect denial of facts/ documents, thus, protracting trial;
 - (vi) monetary and other stakes involved in the proceedings;
 - (vii) costs incurred on execution of commission; and
 - (viii) any other cost which Court may deem fit and proper.

6. Evidence for Bill of Cost.—Documentary evidence, if any, in support of payments made shall accompany Bill of costs. If any party raises any objections to the Bill of costs/documents so filed, costs shall then be determined by Court.

7. When an Advocate appears for different parties in the same matter.—Where an Advocate appears for different parties in the same suit or matter, only one set of fees shall be allowed.

8. Review of taxation only on notice to opposite side.—No application for review of taxation, (*unless taxation was ex parte*), shall be made, except on notice to the opposite side.

9. No review of taxation of costs, if Bill of costs not filed.—Subject to any orders passed by Court, if Bill of costs is not filed within time allowed, under Rule 4 of this Chapter, the Taxing Officer shall compute costs in accordance with these Rules. No application for review of taxation shall be allowed, unless made before the decree is signed.

10. Costs after taxation.—The Court may allow, after preparation and signing of decree, only such costs as it deems fit and appropriate incurred by a party for effecting transmission of the decree to another court. In addition,

the Court executing the decree/ the executing court may also award costs of execution as it considers fit and appropriate, in accordance with these Rules/ rules applicable to the executing court.

11. Meaning of proportionate costs.—Where ‘*proportionate costs*’ or ‘*costs in proportion*’ are allowed, such costs shall bear the same proportion to the total costs, as the successful part of the claim bears to the total claim.

12. Costs against multiple plaintiffs/defendants.— Court to order proportion in which payable, time period for payment and mode of recovery.

13. Application to Court for review of taxation.—Any party, who may be dissatisfied with the decision of the Taxing Officer as to any item or part of any item, may, not later than fifteen days from the date of the decision, or within such further time as the Court may allow, apply to the Court for an order to review taxation as to the said item or part of any item, and the Court may thereupon, after notice to the other side, if necessary, make such order as seems to it just. Subject to the above, taxation by the Taxing Officer shall be final and conclusive as to all matters.

14. Hearing of application under Rule 13.—An application under Rule 13 of this Chapter, shall be heard and determined by Court upon the evidence and material provided to the Taxing Officer and no further evidence or material shall be received by Court, unless otherwise ordered.

CHAPTER XXIV PROCEEDINGS IN EXECUTION

1. Interpretation.—In this Chapter the word “decree” includes order.

Application for Transmission

2. Transmission of decree for execution.—(a) An application for transmission of a decree to another Court for execution shall be in the form prescribed and shall specify the Court to which the transmission of the decree is sought and whether the decree has already been satisfied in part and if so, to what extent. The same shall be supported by an affidavit. It shall also be accompanied by a certified copy of the decree or an application for the same.

(b) The Registrar shall transmit by registered post, at the cost of the applicant, the certified copy of the decree together with the other documents mentioned in Order XXI rule 6 of the Code, to the Court to which the transmission is sought in accordance with the provisions of rules 4 and 5 of Order XXI of the Code.

Application for Execution

3. Application under Order XXI rule 15 of the Code to be supported by affidavit.—An application under Order XXI rule 15 of the Code shall be in the prescribed form and supported by an affidavit. The Rules of payment of one time process fee as applicable to a plaintiff/defendant shall apply *mutatis mutandis* to execution proceedings.

4. Checking and admission of execution petition.—Applications for execution shall ordinarily be checked in accordance with these Rules.

5. Procedure in execution application under Order XXI rule 15 of the Code.—When an application is made by one or more of several joint decree-holders, unless a written authority signed by the other decree-holders for the applicant to execute the decree and to receive the money or property recovered is filed in Court, the Court or the Registrar, may give notice of the order, if any, passed for the execution of the decree to all the decree-holders who have not jointed in the application and may also give notice of any application for payment or delivery to the applicant of any money or property recovered in execution.

6. Procedure when cause not shown.—When execution is for arrest of a judgment debtor and the judgment-debtor does not appear on the day of hearing fixed under the notice issued or on such other day to which the hearing thereof is postponed, the notice and the affidavit of service thereof shall be filed and the Registrar, shall thereafter, place the matter before the Court for orders.

7. Registrar not to issue execution simultaneously against person and property.—Execution shall not be issued against the property of a judgment-debtor at once with the issue of execution against his person. But a decree-holder desiring to proceed against both simultaneously, shall apply to the Court and in case of such application being refused, shall not be allowed to include the costs thereof, in his costs as against the judgment-debtor without the special order of the Court. Where a warrant for the arrest has not been executed, a warrant for attachment may, at the request of the decree-holder, be issued.

8. Application for appointment of Receiver in execution of decree.—An application for the execution of a decree by the appointment of a Receiver under Section 51 and Order XI, rule 1 of the Code to realize or otherwise deal with property under attachment shall be made to the Court, and such receiver shall, unless otherwise ordered, be subject to the rules of the Court, applicable to persons appointed as receivers of property in a suit.

MODE OF EXECUTION

Execution of Documents

9. Copies of draft to be filed.—The decree-holder shall file two copies of the draft referred to in Order XXI rule 34(1) of the Code and two copies of the notice in the prescribed form together with the prescribed process fee for service thereof. One of the copies of the draft shall be served on the person directed to execute the document in the manner prescribed for service of summons on the defendant to a suit.

10. Execution of document under Order XXI, rule 34(5) of the Code.—Unless otherwise ordered by the Court, a document shall be executed or a negotiable instrument endorsed under Order XXI, rule 35(5) of the Code by the Registrar.

ARREST

11. Deposit with warrant of arrest.—With every application for warrant of arrest, before or after judgment, a sum of Rs.10,000/- shall be deposited with the Registrar for the intermediate subsistence of the judgment-debtor, pursuant to Order XXI, rule 39(1) to (4) of the Code.

ATTACHMENT AND SALE

12. Application of encumbrancer to be made a party to the suit or to join in the sale.—An encumbrancer, not a party to the suit, may at any time before the sale, apply to the Court to be made a party, or for leave to join in the sale; such order shall be made thereon in protection of his right and as to costs as the Court shall deem fit.

13. Receipt of attached property to be given.—A bailiff attaching movable property shall, furnish to the judgment-debtor or other person, from whose possession the movable property is attached, a receipt in the form of a list of the said property signed by the said bailiff and take an acknowledgment to that fact on the warrant of attachment.

14. Deposit of cost for removal or maintenance of property.—Before making any order for the attachment of live-stock or other movable property, or at any time after any such order has been passed, the Court or the Registrar, may require the person at whose instance the order of attachment is sought or has been made to deposit in Court, such sum of money as the Court or the Registrar may consider necessary:

- (a) for the removal of the property to the Court premises or other appointed place and its maintenance, guarding and custody till arrival thereat;

- (b) for the maintenance, guarding and custody of the property at the Court premises or other appointed place till it is sold or otherwise disposed of; and
- (c) for the maintenance, guarding and custody of the property at the place at which it was attached or elsewhere.

In case of failure to deposit such sum within the time prescribed by the Court or Registrar, the Court or Registrar may, either, refuse to issue or may cancel the order of attachment, as the case may be.

15. Account to be rendered on demand.—An account of the expenses actually incurred shall, on demand being made on or before the date of the sale, be furnished to the attaching creditor and to the person whose property was attached. After hearing objections to the account, if any, made within three days of its receipt by a party, the amount that the Registrar finds, to be properly due shall be deducted at first charge from the proceeds of the sale of the property and paid to the attaching creditor along with any balance of the deposit made by him.

16. Restoration of attached property on payment of costs incurred.—

(a) If in consequence of the cancellation of the order of attachment or for any other reason, the person whose property has been attached, becomes entitled to receive back the live-stock or other movable property attached, he shall be given a notice by the Registrar that he should take delivery of it within the time specified by the Registrar on payment by him of the charges, if any, found by the Court or the Registrar to have been properly incurred and which have not been defrayed or for the defrayal of which, no money has been deposited by the attaching-creditor.

(b) If he commits default in taking delivery of the property, by failure to pay the requisite charges or otherwise the Court may order that the property be sold by public auction and that after defraying the charges referred to in sub-Rule (a), if any, and the expenses of the sale, the balance of the sale-proceeds be credited to his account.

SALE OF ATTACHED PROPERTY

17. Notice regarding sale of guns and other arms, etc., attached.—

Whenever guns or other arms in respect of which licences have to be taken by purchasers under any law in force for the time being or any other articles in respect of which licences have to be taken under any law in force, are sold by public auction in execution of decrees, the Registrar shall give due notice to the District Magistrate concerned, or other appropriate officer, of the names and addresses of the purchasers and of the time and place of the intended delivery to the purchaser of such arms or other articles. No such

arm or other article shall be delivered to the purchaser unless he holds a licence for the same.

18. Immediate sale of movable property.—In the case of property to be sold under the proviso to rule 43 of Order XXI of the Code, if such property, in the custody of the Registrar, he may authorize an officer of the Court to sell the same by public auction and may give such directions as to the date and time and place of sale and the manner of publishing the same as the circumstances of the particular case admit.

19. Contents of sale proclamation.—In addition to the particulars specified in Order XXI sub-rule (2) of Rule 66 of the Code, the sale proclamation shall contain a notice that only the right, title and interest of the judgment-debtor is to be sold. The title, deeds or an abstract of the judgment-debtors title, if available, will be open for inspection at the office of the Registrar.

The proclamation shall, whenever such information is available, also state in whose possession and occupation the property is and the tenancy or terms on which any person is in occupation or possession.

20. Appearance of judgment-debtor.—(a) If the judgment-debtor appears before the Registrar pursuant to the notice issued, under Order XXI rule 66(2) of the Code, the Registrar shall examine him on any matter affecting his title to the attached property. The decree-holder may also examine him on any matter relating thereto. If the judgment-debtor fails to attend, the Registrar shall proceed ex parte.

(b) The Registrar may also exercise powers under Order XXI, rule 66(4) of the Code. If any documents are produced relating to the attached property by any person, the same shall be left with the Registrar, and shall be subject to his directions both as to their custody pending the sale and their ultimate disposal, such directions being subject to appeal to the Court.

21. Publication of proclamation.—Whenever the sale of land or of a house or houses exceeding Rs.10,000/- in value or movable property exceeding Rs.10,000/- in value is ordered, the Registrar shall, with the permission of the Court, advertise such sale in a local newspaper or newspapers.

22. Copy of sale proclamation to be sent to Collector in case of sale of land.—When any land or share of land is ordered to be sold in execution of a decree, the Court shall send a copy of the proclamation of sale issued under Order XXI rule 67 of the Code to the Collector concerned.

23. Arrest on sale on holidays.—No arrest shall be effected and no sale shall be held in execution on Sundays or during holidays or vacation of the Court, except by leave of the Court or the Registrar.

24. Leave to bid and reserved price.—(a) An application for leave to bid by the decree-holder at the sale shall be supported by an affidavit giving reasons why the applicant should be permitted to bid.

(b) In cases in which the Registrar considers that the applicant should not be allowed to bid for less than a sum to be fixed, it shall be competent for the Registrar to give leave to bid at the sale only on condition that the applicant's bid shall not be less than the amount so fixed, which amount shall as far as practicable, be determined with reference to the market value of the property or of the lot or lots into which the property is divided for sale.

25. Sale.—On the day and at the time and place appointed for the sale, the proclamation of sale shall be read out before the property is put up for sale.

26. Postponement of sale or want of sufficient bidding.—If there be no bid or the highest bid be below the reserved price (if any), or be deemed insufficient by the Registrar or other officer conducting the sale, he shall postpone the sale and record the reason for such postponement in the bidding paper.

27. Postponement of sale otherwise than under Rule 26.—The Registrar or other officer conducting the sale may for sufficient cause postpone the sale. The costs of a postponement rendered necessary by the absence of the Registrar or other officer conducting the sale shall be costs in the cause. The costs of a postponement, made at the request of the party or by reason of his conduct, shall be borne by him.

28. Bidding paper.—The name of each bidder at the sale of property shall be noted on a paper to be called "the bidding paper", each bid shall be signed by the bidder and the amount of the bid shall be entered opposite his name. If there be no bid, the words "no bid" shall be written in the bidding paper opposite the property or, as the case may be the number of the lot. If the highest bid be deemed insufficient, the word "not sold" shall be written opposite the property or the number of the lot. If the property be sold, the highest bid shall be inserted opposite the property or the number of the lot, wherein the full name and address of the bidder be taken and his signature obtained and purchaser shall write his full name opposite such entry and shall add his address and occupation. All notices thereafter served at the address so given shall be deemed to have been duly served on the purchaser.

29. Agent to produce Authority.—A person purchasing for another as his duly authorized agent shall produce his authority in writing at the time of bidding, and sign the bidding paper as such, giving the full name, address

occupation both of himself and his principal. All notices thereafter served at either of the addresses given shall be deemed to have been duly served.

30. Declaration of purchase.—If the highest bid be equal to or higher than the reserved price, if any, the Registrar or other officer conducting the sale shall make an entry in the bidding paper to the following effect.—

“I(name) declare to have been the highest bidder for the purchase of the property above set forth (or of lot No.) for the sum of Rs.....”

31. Report of sale.—Upon the completion of the sale the Registrar or other officer conducting the sale shall file in Court his report of the sale.

32. Time for confirming sale.—A sale of immovable property shall not be confirmed until after the expiration of 30 days from the date thereof.

CHAPTER XXV REVIEW

1. Review.—Where the Judge or the Judges, or any of the Judges, who passed the decree or made the order a review of which is applied for, continues or continue attached to the Court at the time when the application for a review is presented, and is not or are not precluded by absence or other cause for a period of six months after the application from considering the decree or order to which the application refers, such Judge or Judges or any of them shall hear the application, and no other Judge or Judges of the Court shall hear the same.

Provided that if the said Judge or Judges, or any one of the Judges, who passed the decree or made the order, is or are precluded by absence or other cause for a period of six months after the application from considering the decree or order to which the application refers, it shall be heard by a Bench consisting of as many Judges as the Bench whose decree or order a review is applied for. Where the Judge(s), who passed the decree or made the order, is/ are available, such Judge(s) shall be members of the Bench aforesaid.

CHAPTER XXVI ELECTION PETITIONS

1. Extant Rules made by the Court regarding election petitions under the Representation of Peoples Act, 1951 shall stand incorporated by inclusion in these Rules.

2. The Registry shall not return election petitions to the party filing the same under any circumstances once it has been presented. The defects/

objections if any pointed out by the Registry shall be placed before the Judge for orders:

3. The following endorsements shall be made on the election petition at the time of presentation:-

Presented by Shri
Petitioner/s in person
Accompanied by/identified by Sh. , Advocate on
(DATE) at AM/PM (TIME)

CHAPTER XXVII E-FILING

1. **E-Filing.**-'Practice Direction(s) for Electronic Filing (E-Filing) in the High Court of Delhi' shall stand incorporated by inclusion in these Rules and are annexed hereto as Annexure_C.

CHAPTER XXVIII ALTERNATIVE DISPUTE RESOLUTION, ARBITRATION AND MEDIATION

1. Extant rule(s), notification(s), scheme(s) and Practice Directions in relation to proceedings under the Arbitration and Conciliation Act, 1996, as amended from time to time, shall stand incorporated by inclusion in these Rules.

2. ~~2.~~ Extant rule(s), notification(s), scheme(s) and Practice Directions in relation to mediation, as contemplated under Section 89 of the Code, including Practice Directions for Mediation dated 12.03.2009 published vide Notification No.7/Rules/DHC shall stand incorporated by inclusion in these Rules, as Annexure D.

Formatted: Font: Bold

Formatted: Indent: First line: 0.63 cm, No bullets or numbering

CHAPTER XXIX TESTAMENTARY AND INTESTATE JURISDICTION

1. **Application for grant of probate or letters of administration.**-No application for grant of probate or letters of administration will be received by the Registry, except where the Administrator General is the applicant, unless: —

- (i) it is accompanied by an affidavit of valuation as required by Section 19-1 of the Court Fees Act, 1870, prepared strictly in the form set forth in the Third Schedule thereof; and
- (ii) is also accompanied by an affidavit of proof or certificate of death.

2. **Verification.**-An application for probate shall be verified by at least one of the witnesses to the will, when procurable, in the form set forth in Section 281 of the Indian Succession Act, 1925, and the affidavit of such witness shall also be filed. If no affidavit by any of the attesting witnesses is procurable, evidence on affidavit must be produced of that fact and of the handwritings and/ or any circumstances which may raise a presumption in favour of due execution of the will.

3. **Memo of parties.**-In all applications for probate; for letters of administration with the will annexed; or for administration of the estate, the petitioner shall state the name(s) and all available particulars, as provided in Rule 3 of Chapter III of these rules, of members of the family or other relatives upon whom the estate would have devolved in case of an intestacy.

4. **Application by creditor.**-In all applications by a creditor for letters of administration, it shall be stated particularly how the debt arose and whether the applicant has any, and if so what, security for the debt.

5. **Notice.**-(i) The Registrar shall give notice of all application(s) for probate or letters of administration to the Chief Controlling Revenue authority in accordance with Section 19-H of the Court-fees Act, 1870, and it will be the duty of the petitioner or his Advocate to ask for issuance of the same.

(ii) In all applications for probate or letters or administration, notice of the application shall be given to all heirs and next of kin of the deceased mentioned in the application.

(iii) Before setting down an application for probate or letters of administration for final hearing in Court, the Registrar will certify that notice of the application has been served on the Chief Controlling Revenue Authority.

6. **Non-contested applications.**-Non-contested applications for probate or letters of administration may be disposed off, either on affidavits or evidence, as the Court may deem fit.

7. **Valuation of property.**-A copy of affidavit of valuation of property of the deceased, accompanying the application for probate or letters of administration, shall be annexed to the grant of probate or letters of administration.

8. **Forms.**-The forms prescribed in Nos. 173 to 180, both inclusive, in Volume 6 Part A of the "Rules and Orders of the Punjab High Court (1960 edition)", with such variations or modifications as the circumstances may require, shall be used for the purposes therein mentioned.

9. **Grant of probate or letters of administration.**-Grant of probate or letters of administration shall issue in the name of the Court and be signed by the Registrar/ **Joint Registrar/ Deputy Registrar.**

Formatted: Font: 14 pt, Not Bold

10. **Administration bond.**-(i) An administration bond, unless dispensed with by Court, shall be executed in favour of the Registrar General. Provided if value is less than Rs.1,000/-, one surety only may be given.

Formatted: Font: 14 pt

(ii)The Court may direct such bond be given with or without surety/ sureties approved by the Registrar for the amount of the value of the property for which the grant is made.

(iii)Administration bonds shall be attested by the Registrar or such other officer(s) of Court, as may be nominated in this behalf.

**CHAPTER XXX
CAVEAT**

1.**Caveat.**-In any suit or proceeding to which Section 148-A of the Code applies, the person instituting the same shall state in the plaint, petition or application, whether or not he has received notice of any caveat lodged in the Court in respect thereof, and, if so particulars of the same.

2. **Format.**-Filing of a caveat shall be in on a format provided below as under: -

**IN THE HIGH COURT OF DELHI AT NEW DELHI
ORIGINAL CIVIL JURISDICTION**

CAVEAT NO _____ OF _____

In the matter of a suit/ appeal proceeding instituted (give the particulars), or expected to be instituted, by

.....Petitioner(s)/Appellant(s)

Against

.....Respondent(s)

To

The Registrar,
Delhi High Court,
New Delhi

Let no order (here state in detail the precise nature of the order apprehended) be made in the above matter without notice to the undersigned.

Dated this the _____ day of _____.

Sd/-

Name and address of the Caveator and his Advocate, if any

Filed on.....

CHAPTER XXXI
REPEAL AND SAVINGS

1. The Delhi High Court (Original Side) Rules, 1967 and Practice Directions, applicable to the Original Side of the Court, except to the extent incorporated in these Rules, and not inconsistent herewith, are hereby repealed.

2. The repeal of the Delhi High Court (Original Side) Rules, 1967 and Practice Directions, applicable to the Original Side of the Court shall, however, not affect:-

(a) the previous operation of the Delhi High Court (Original Side) Rules, 1967 and Practice Directions, applicable to the Original Side of the Court, so repealed or anything duly done or suffered there under; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Delhi High Court (Original Side) Rules, 1967 and Practice Directions, applicable to the Original Side of the Court, so repealed; or

(c) any liability incurred in respect of any contravention under the Delhi High Court (Original Side) Rules, 1967 and Practice Directions, applicable to the Original Side of the Court, so repealed; or

(d) any proceeding or remedy in respect of any such right, privilege, obligation, or liability, as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such obligation may be imposed or made as if the Delhi High Court (Original Side) Rules, 1967 and Practice Directions, applicable to the Original Side of the Court, had not been repealed.

Provided however, in respect of Commercial disputes, the Commercial Courts Act read with these Rules shall apply, as provided in the Commercial Courts Act.

ANNEXURE A
**PRACTICE DIRECTIONS FOR ISSUANCE OF SUMMONS/
NOTICES THROUGH SPEED POST/ REGISTERED POST WITH
PROOF OF DELIVERY (POD) IN THE HIGH COURT OF DELHI**

ANNEXURE B
**GUIDELINES FOR THE CONDUCT OF COURT PROCEEDINGS
BETWEEN COURT AND REMOTE SITES – VIDEO
CONFERENCING GUIDELINES ISSUED BY THE HIGH COURT
OF DELHI**

**ANNEXURE C
PRACTICE DIRECTIONS FOR ELECTRONIC FILING (E-FILING)
IN THE HIGH COURT OF DELHI**

**ANNEXURE D
PRACTICE DIRECTIONS FOR MEDIATION DATED 12.03.2009
PUBLISHED VIDE NOTIFICATION NO.7/RULES/DHC**

**ANNEXURE E
PRACTICE DIRECTIONS UNDER SECTION 18 OF THE
COMMERCIAL COURTS, COMMERCIAL DIVISION AND
COMMERCIAL APPELLATE DIVISION OF HIGH COURTS ACT,
2015**

**ANNEXURE F
CHAPTER VII RULE 16
PROTOCOL OF CONFIDENTIALITY CLUB**

**Procedure to be followed in dealing with confidential documents/
information**

**Upon hearing of an application, the Court may allow constitution
of a Confidentiality Club in the following manner:-**

- a) All documents/ information considered as confidential
("Confidential Documents/ Information") by the Court shall be
permitted to be filed in a sealed cover to kept in the safe custody
of Registrar General;**
- b) Each party shall nominate not more than three Advocates,
who are not and have not been in-house lawyers of either party,
and not more than two external experts, who shall constitute the
Confidentiality Club. Members of the Confidentiality Club alone
shall be entitled to inspect the Confidential Documents/
Information;**

Formatted: Font: 14 pt, Bold, Font color: Auto

Formatted: No underline

Formatted: Font: 14 pt

Formatted: Centered

Formatted: No underline

Formatted: Font: 14 pt

Formatted: Font: 14 pt, Bold

Formatted: Normal, No bullets or numbering

Formatted: Font: 14 pt, Bold

Formatted: Indent: Left: 0.63 cm, Hanging: 0.63 cm, No bullets or numbering, Tab stops: 1.27 cm, Left

~~The members of the Confidentiality Club shall not make copies of, or disclose, or publish the contents of, the Confidential Documents/ Information to anyone else in any manner or by any means, or in any other legal proceedings and shall be bound by the orders of the Court in this behalf;~~

Formatted: Indent: Left: 0.63 cm, Tab stops: 1.27 cm, Left

c) Members of the Confidentiality Club shall be allowed to inspect the Confidential Documents/ Information before the Registrar General, without making copies thereof. After the inspection, the Confidential Documents/ Information shall be resealed and kept in the custody of the Registrar General;

Formatted: Font: (Default) Times New Roman, 14 pt, Bold

Formatted: Font: (Default) Times New Roman, Bold

Formatted: Font: (Default) Times New Roman, 14 pt, Bold

d) Members of the Confidentiality Club shall not make copies of, or disclose, or publish the contents of, the Confidential Documents/ Information to anyone else in any manner or by any means, or in any other legal proceedings and shall be bound by the orders of the Court in this behalf;

Formatted: Indent: Left: 0.63 cm, Hanging: 0.63 cm, Tab stops: 1.27 cm, Left

Formatted: Font: 14 pt, Bold

Formatted: Font: 14 pt, Bold

e) During recordal of evidence with respect to the Confidential Documents/ Information, only members of the Confidentiality Club shall be allowed to remain present;

Formatted: Font: 14 pt, Bold

f) During proceedings of the Court, when the Confidential Documents/ Information are being looked at or their contents discussed, only members of the Confidentiality Club shall be permitted to be present;

Formatted: Font: 14 pt, Bold

Formatted: Font: 14 pt, Bold

g) The Court may in its discretion and in an appropriate case, permit copies of the Confidential Documents to be given to the opposite party after redacting confidential information therefrom, if such redaction be possible and not otherwise;

Formatted: Font: 14 pt, Bold

h) Any evidence by way of affidavit or witness statement containing confidential information derived from the Confidential Documents/ Information shall be kept in a sealed cover with the Registrar General and would be accessible only to the members of the Confidentiality Club. However, a party filing such evidence by way of affidavit shall, if so directed by the Court, give to the opposite party, a copy of such affidavit after redacting therefrom the confidential information, if such redaction is possible and not otherwise;

Formatted: Font: 14 pt, Bold

Formatted: Font: 14 pt, Bold

Formatted: Font: 14 pt, Bold

Formatted: Font: 14 pt, Bold

i) The Confidential Documents/ Information shall not be available for inspection after disposal of the matter, except to the Party producing the same;

Formatted: Font: 14 pt, Bold

j) In cases where the Confidentiality Club is constituted or documents are directed to be kept confidential, the Court may consider extending the time for filing of pleadings. However, the same shall be within the overall limits prescribed by the applicable provisions.

Formatted: Font: 14 pt, Bold

Formatted: Font: 14 pt, Bold

ANNEXURE G
CHAPTER XI RULE 6
HOT TUBBING

Formatted: Space After: 0 pt, Line spacing: single

Formatted: Indent: Left: 0 cm, Space After: 0 pt, Line spacing: single

Formatted: No underline

Formatted: Indent: Left: 0 cm, Space After: 0 pt, Line spacing: Multiple 1.07 li

'Hot-tubbing' is a technique in which expert witnesses give evidence simultaneously in each other's presence and in front of the Judge, who puts the same question to each expert witnesses. It is a co-operative endeavour to identify key issues of a dispute and where possible evolve a common resolution for all of them. However, where resolution of issues is not possible, a structured discussion, allows the experts to give their opinions without the constraints of the adversarial process and in a setting which enables them to respond directly to each other. The Judge is thereby not confined to the opinion of only one expert but has the benefit of multiple experts who are rigorously examined in public.

When parties to a commercial suit wish to rely on the hot tubbing method to record the deposition of expert witnesses, then the Court may adopt the following procedure:

- a) Prior to a hearing taking place, the expert witnesses take parting a meeting, at a mutually convenient place, where they prepare a Joint Statement which shall be filed before Court.
- b) The Joint Statement shall consist of the agreed statement of facts and disputed issues.
- c) Thereafter, suggested questions to be put to the expert witnesses, shall be filed by the parties.
- d) A hearing is then conducted on the disputed issues.

- e) Counsels may put questions to the expert witnesses, as may be permitted by the Court.
- f) At the end of the proceeding, the Court would draw up the issues on which the expert witnesses agree and the issues on which they disagree.
- g) On the issues on which the expert witnesses disagree, the Court shall record their statements.