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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 1547/2019**

GYANENDER SINGH Petitioner

Through: Mr. Anuroop P.S., Advocate (M-9582818838)

versus

**DEPUTY COMMISSIONER (SOUTH EAST) &
ORS**

..... Respondents

Through: Mr. Jawahar Raja, ASC (C), GNCTD.
(M:9810933083)

Mr. Sanjay Kumar Pathak, Mr. Sunil
Kumar Jhat and Mr. M.S. Akhtar,
Advocate for R-1. (M:9711684779)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **27.02.2020**

1. A report dated 10th February, 2020 has been submitted by the Id. District and Sessions Judge Headquarters, Tis Hazari Courts, in compliance with the directions issued on the last order dated 23rd December, 2019. The said report reads as under:

*“The modus operandi followed for maintenance
of records in the District Courts*

The maintenance of records in the District Courts is primarily governed by Chapter 16 Volume IV of the Delhi High Court Rules. Part A of Chapter 16 lays down in detail the general directions as regards preparation of judicial records. Part B of Chapter 16 deals with transmission of judicial records. Part C of Chapter 16 deals with inspection of the judicial records. Part D of Chapter 16 deals with custody of

judicial record and the manner of transfer of charge thereof upon transfer of the concerned record keeper official. Clause 4, Part D Chapter 16 of the Delhi High Court Rules stipulated that if any document or part of the record is found missing subsequent to the transfer of the official, the Presiding Officer of the court shall immediately take action for its recovery or reconstruction as well as action for fixing responsibility on the custodian or on the official whom the custodian relieved.

Copy of relevant portion of Chapter 16 of the Delhi High Court Rules Volume IV has been placed in the Enquiry File, being submitted herewith.

2. The procedure followed by Judicial Officers if records are not traceable, to ensure that adjudication of matters are not delayed

As and when a Judicial Officer holding court comes to know that records – completely or partly of any case pending in his/her court are not traceable, the Judicial Officer instructs the Ahlmad to make efforts to locate the missing record and submit report at the earliest by a fixed date.

In case despite efforts the missing records remains untraced, the Judicial Officer conducts a Fact Finding Enquiry in order to fix liability on account of missing of the judicial record.

At the same time, the Judicial Officer concerned also seeks permission from the concerned District & Sessions Judge for reconstruction of the missing judicial record.

In this regard, from time to time number of circulars have been issued to impress upon the Judicial Officers to expedite such Fact Finding Enquiries and reconstruction of the missing record. Copies of some such circulars have been placed in the Enquiry File being submitted herewith.

For the purposes of reconstruction of missing record, the concerned Judicial Officer, by way of judicial order, directs all parties to the concerned lis to file copies of the missing record after getting the same authenticated by the remaining parties and thereafter, the copies of the missing judicial record duly authenticated by all parties is taken on record. Simultaneously, at times the Computer Branch also is directed by the Judicial Officer to download or retrieve from the official website and/or court computers the order/ordersheets available.

3. The ordersheets of the learned Civil Judge and the status of the application under Order IX Rule 13 CPC and the status of reconstruction of the file

According to the detailed report dated 24.01.2020 submitted by Sh. Rahul Verma, Civil Judge-07 (Central), Tis Hazari Courts, Delhi, the missing part of the concerned judicial record was reconstructed with the help of ordersheets/documents provided by both sides and the computer branch and thereafter vide order dated 13.01.2020, application under Order IX Rule 13 CPC was disposed of. In compliance with orders of the Hon'ble High Court, the said application under Order IX Rule 13 CPC was disposed of by the learned Civil Judge within time fixed by the Hon'ble High Court."

2. It is informed that the application under Order IX Rule 13 has been disposed of vide order dated 13th January, 2020. A perusal of the above report shows that while there are proper procedures in place for maintenance and tracing of records, there are no timelines fixed for disposal of matters when judicial records are missing. Accordingly, there ought to be some timeline which is fixed, and matters cannot be adjourned indefinitely in case of missing judicial records. This Court is of the opinion that prescribing of

some timelines would ensure that when judicial records go missing for any reason whatsoever, the case files are reconstructed within a specified timeline, and all judicial officers maintain the timelines for reconstruction and thereafter proceed with the matter in accordance with law. For the purpose of fixing timelines, let the present order along with the report submitted by Id. District and Sessions Judge Headquarters, Tis Hazari Courts dated 10th February, 2020 be placed by the worthy Registrar General before the Hon'ble Chief Justice for passing of directions on the administrative side.

3. No further orders are called for in this matter. The report submitted by the Id. District and Sessions Judge be transmitted with the present order to the worthy Registrar General. The electronic copy of the report be retained as part of the records of the present petition.

PRATHIBA M. SINGH, J

FEBRUARY 27, 2020

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