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

+ **W.P.(C) 11479/2022 & CM APPL.33935/2022**

MOHAN LAL SHARMA

..... Petitioner

Through: Petitioner in person.

versus

PRINCIPAL DISTT.AND

SESSIONS JUDGE (HQ) & ANR.

..... Respondents

Through: Mr. Amit George, Advocate for
respondent No.3

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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24.01.2024

1. Present writ petition has been filed seeking a direction to the Respondents to notify the filing Advocate listing dates with Court details of matters listed in Delhi District Courts at least one day prior to the date of listing. The Petitioner also seeks a direction that the date of e-filing on the portal be considered for the purpose of computing limitation in complaint cases filed under Section 138 of N.I. Act, 1881 and seeks deletion of the disclaimer appearing in the acknowledgment receipt at the time of filing the complaint.

2. Petitioner, who appears in person, states that the Petitioner had filed a Complaint being Ct. C. No.4896/2022 under Section 138 of N.I. Act, 1881 on behalf of his client on 6th May, 2022 in the Court of learned Chief



Metropolitan Magistrate, Patiala House Court, New Delhi wherein an acknowledgement receipt was issued digitally. He states that after filing of the said complaint and removal of objections/defects raised by the Registry, the complaint was finally approved. After more than fifteen days, the said fact was intimated to the Petitioner through a message ('SMS'). However, no SMS was received by the Petitioner with respect to the listing date and/or particulars of the Court to which the matter had been allocated.

3. Petitioner, who appears in person, states that since no information of the date of first listing of the complaint or particulars of the Court had been notified, the Petitioner enquired from the Registry and from the Reader of the Court. Subsequently, the Petitioner was informed that the said complaint had been listed on 27th May, 2022 and had been adjourned to 28th October, 2022.

4. Petitioner, in person, states that non-intimation of listing date has become a routine practice, not only in Patiala House Court, New Delhi, but in all the District Courts in Delhi, which is causing various grave prejudice to the Advocates/litigants, including the Petitioner and thus, it requires improvement/modification.

5. Mr. Amit George, learned counsel for the Respondent No.3 states that necessary modifications have been made in Case Information System ('CIS') Server to enable every district Court (except Rouse Avenue Court Complex as it follows a cloud based system) to send SMSs at the time of filing, allocation and registration of cases. He explains the three step process of intimation as under:-

A. ***"FILING OF CASE:***

The cases are either being filed manually or being efiled through efilings 3.0 portal. All the above cases are allocated to the court concerned either manually



or randomly. In case where the cases are entered manually in CIS, the basic meta of the case such Name of parties, parentage, age, address, mobile number act, section, cause of action etc. is fed by the official posted in respective Filing Counter. In case of efiled, pre-filled meta data is received in CIS. **Below mention SMS is sent to the registered mobile number of the advocate/party on the same day when it is entered in CIS manually or consumed in CIS from efileing 3.0 portal at the time of Filing of Cases.**

SMS at the time of filing of a case(For Example):

DJWTHC Case with Filing No CS (COMM)/12/2024 and CNR DLWT010000322024, Vee VS Shubham Filed on 03-01-2024. –DDCSMS.

B. ALLOCATION OF CASES:

At the time of allocation of a cases to a court, now it is mandatory to feed/enter NDOH and Purpose. The given below SMS is sent to the registered mobile number of the advocate(s)/party(ies) on the same day when it is allocated to a court(s).

SMS at the time of allocation of a case(For Example):

DJWTHC CS(COMM)/12/2024 Vee VS Shubham, Allocated to Court: DISTRICT JUDGE (COMMERCIAL COURT) – 05, WEST, THC In the court No. 805 on 04-01-2024, Next date is 19-01-2024. –DDCSMS.

C. REGISTRATION OF CASE:

The court concerned, to which case are allocated by the Filing counter, will register the case after feeding the remaining meta data of the file/case such as mobile number of extra parties, email id, sections etc. The given below SMS is sent to the registered mobile number of the advocate(s)/party(ies) on the same day when it is registered by the court(s).

SMS at the time of Registration of a case(For Example):

DJWTHC Case with Filing No CS (COMM)/12/2024 and CNR DLWT010000322024, Vee VS Shubham registered as CS (COMM)/9/2024 on 04-01-2024 Next date is 19-01-2024. –DDCSMS.”

6. Keeping in view the aforesaid three step process of intimation as well as the fact that Rule 14 of the E-filing Rules of the High Court of Delhi, 2021 (as applicable to the District Courts) stipulates that the date of e-filing shall be treated as the date of filing for computing limitation, this Court is of the view that the grievance raised by the Petitioner stands addressed.



7. Accordingly, the present writ petition along with pending applications is disposed of as satisfied.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 24, 2024/TS