

HIGH COURT OF KARNATAKA, BENGALURU

NOTIFICATION

No. HCLC 74/2021, DATED 21-08-2023

The draft of “The Karnataka Courts – Service of Summons/Notices/Processes/Documents (Civil Proceedings) by Electronic Mail Rules, 2023” which the High Court of Karnataka proposes to make in exercise of powers under Part X and Order V, Rule 9 of the Code of Civil Procedure, 1908 and all other powers enabling it in this behalf, is hereby published, for information of all persons likely to be affected thereby and notice is hereby given that the said draft shall be taken into consideration immediately after 15 days from the date of publication of this notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the said draft by the High Court of Karnataka before the above specified period will be considered. Objections or suggestions may be addressed to the Registrar General, High Court of Karnataka, Bengaluru-560 001.

CHAPTER I

GENERAL

1. Background, object and Purpose.—One of the issues affecting the judicial proceedings, is the service of summons/notices/processes/documents, this leads to considerable delays in the administration of justice. It is but required to harness the available technology and resources to address this issue. These rules are formulated to provide for expeditious service of summons/notices/processes/documents by adopting quick modern and quick means of communication. Courts/Tribunals to apply these rules for effective service of summons/notice/process/documents.

2. Title and commencement.—(1) These Rules may be called the ‘Karnataka Courts–Service of

Summons/Notices/Processes/Documents(Civil Proceedings) by Electronic Mail Rules, 2023’.

(2) These Rules may come into force with effect from the date of their publication in the Official Gazette.

3. Application.—These Rules shall apply to, all civil proceedings pending before the High Court of Karnataka, District Court, any Subordinate Court or Tribunals in the State of Karnataka.

4. Definitions.—Unless the context otherwise warrants,

- (a) “**Chief Justice**” means the Chief Justice or the Acting Chief Justice of the High Court of Karnataka.
- (b) “**Case Information System or CIS**” means the software got developed by the e-Committee of the Supreme Court of India.
- (c) “**Civil Proceedings**” the term Civil Proceedings shall mean and include all proceedings before Courts and Tribunals other than Criminal Proceedings.
- (d) “**Code**” means Code of Civil Procedure, 1908.
- (e) “**Court**” means the Court which has ordered the issuance of Summons.
- (f) “**Digital Signature**” means a Digital Signature as defined in the Indian Information Technology Act 2000.
- (g) “**Electronic Mail Address or e-Mail Address**” means the unique identifier for an e-mail account, used to send and receive e-mail messages over the Internet.
- (h) “**Electronic Mail or e-Mail**” is a store and forward method of composing, sending, storing and receiving messages in electronic form via a

computer or digital medium based communication mechanism.

- (i) “**Electronic Mail Service**” means a notice or any process of Court signed digitally and sent by electronic mail by the presiding Officer of the Court or any other person authorised in this behalf by the High Court or the Principal District Judge, as the Case may be, such communication emanating from an address/ess specified for the purposes of these Rules.
- (j) “**High Court**” means the High Court of Karnataka.
- (k) “**Principal District Judge or District Judge**” means the District and Sessions Judge of a District in the State of Karnataka, who is the administrative head of the respective District Judiciary.
- (l) “**Recommendation and Monitoring Committee**” means the Committee constituted by the Chief Justice of the High Court, consisting of Registrar General, Registrar Computers, Registrar Judicial, Central Project Co-ordinator, and one Officer of the Karnataka Higher Judicial Services.
- (m) “**Registrar (Computers)**” means the Registrar Computers of the High Court.
- (n) “**Registrar General**” means the Registrar General of the High Court.
- (o) “**Registrar (Judicial)**” means the Registrar Judicial of the High Court.
- (p) “**Registry**” means the administrative wing of Court/Tribunal.

- (q) “**Tribunal**” means any Tribunal coming under the supervisory jurisdiction of the High Court.

CHAPTER II

Service by ‘Electronic Mail Service’

5. Parties to provide electronic mail address.—A party desirous of sending any Summons, Notice, Process or document to the other Party by Electronic Mail Service shall, if not already provided as required under Order VI of the Code, provide electronic mail address of the other Party or a person to whom it would like to serve by Electronic Mail Service.

- 5.1 While providing such Electronic Mail Address, Party shall file an affidavit in the Court stating
- 5.1.1. that the electronic mail address of the other Party given by him is correct to the best of his knowledge and
- 5.1.2. that in correspondences prior to the filing of the Case, the other Party has accepted and responded to communication at the said e-mail address.
- 5.2 Where the Party to be served is a company, partnership, body corporate or other legal entity required by law to maintain an e-mail address under the law under which it is registered, or under any applicable taxation statute, such entity shall be required to accept electronic mail service on such registered e-mail address and it shall not be necessary for the party desiring to serve by e-mail to file an affidavit under Order VI of the Code or the above rule but only to furnish the official or registered e-mail address of the other Party, with the source of such information.
- 5.3 Where the Party to be served has a website or portal on which a contact e-mail address is

furnished, that e-mail address may, with the leave of Court, be used for the purposes of service of notice/summons/documents by electronic mail service.

6. “Voluntary Service by Electronic Mail”.—Any of the parties to any Proceedings may file an application in writing giving its electronic mail address, with the request that it may be served with the notices of the Court or any other communication at the electronic mail address furnished. Any notice or communication sent on the said electronic mail address will constitute valid service of Summons or notices or other processes of service as given under the Code or any other law for the time being in force. A register of such electronic mail address shall be maintained by the Recommendation and Monitoring Committee to enable service of notice/summons/documents by electronic mail.

7. Digitally signed, notices and Process to be sent at the given electronic mail address in Appendices to the Code.—The Summons or Process in the formats provided in Appendices to the Code with suitable changes as approved by the High Court, and digitally signed by the Presiding Officer of the Court or any other officer authorised by the High Court or the District Judge in this behalf, shall be sent to the electronic mail address of the other Party, wherever necessary with the scanned images of the documents as mentioned in Rule 9 of Order VII of the Code. The bouncing of such electronic mail shall not constitute valid service.

8. Fee for sending process/documents by Electronic Mail Service to be deposited.—The Summons/Process/Notice shall be sent by Electronic Mail Service after the Party has deposited the fee at such rate as may be determined by the High Court for itself and the District Court.

9. Procedure to be followed for generating an e-Summons/ Notice/Process.—

- 9.1 The Party desirous of service of Summons/Process/Notice on the other Party shall provide the e-mail address of the Party to be served in the manner as stated above.
- 9.2 The Party desirous of serving electronic Summons/Process shall provide all documents which are required to be sent with such Process in searchable Portable Document Format (PDF) or deposit in the Court, fees which may be so prescribed by the High Court and or the concerned Court for purposes of scanning of the required documents.
- 9.3 The Registry shall thereafter process the same as per the procedure fixed by the RMC and approved by the Chief Justice from time to time.

10. Delivery of electronic Process.–

- 10.1 Upon receipt of Process by the recipient, the system should auto generate acknowledgment e-mail and send to the concerned Officer of the Court.
- 10.2 When an e-mail is not delivered or the delivery of the e-mail is disrupted and bounced back for any reason whatsoever, or a “return to sender” message, ‘bounce back message’ or ‘error message’ is received from the mail server, the Nazarat/Process Branch shall immediately send the pdf of the bounced e-mail to the concerned Court.

CHAPTER III

Miscellaneous

11. Summons to witnesses.–These rules shall also apply to the service of Summons to witness or summons for production of documents or other material objects.

12. Notices or other communication during the proceedings.—The Court may direct that a notice or any other communication to any of the parties to the suit or any interlocutory proceedings, before it, may be sent by Electronic Mail Service in the manner and in the format it may consider appropriate. Such notices or communications sent by the Electronic Mail Service shall be digitally signed by the Court or by any Officer authorised in this behalf.

13. Saving of the powers of the Court.—Nothing in these rules shall be deemed to limit or otherwise affect the power of the Court relating to service of Summons or notices or other communications as given in the Code or any other law for the time being in force.

Draft of the procedure to be followed in respect of Service by e-mail.(To be finalised by the RMC and approved by the Chief Justice)

1.The option of generating Summons is available in CIS under- Court Proceedings – Summons – Notice (Eng.) – Notice Generation – Select Case – Select Party – Select Summons/ Notice, from where user can choose the type of Summons/ Notice to be issued.

2. In order to keep track of such Process, one main folder shall be created with the name as “Electronic Process” on the server location so designated. The main folder shall contain sub-folders of Case No. Each such sub-folder will contain the following sub-folder.

- 2.1. ‘Summons’
- 2.2. ‘Documents’
- 2.3. ‘Report’

3. Summons/Notice, generated in PDF shall be stored in the sub-folder “Summons/Notice” of the Case No. Documents sent along with such Electronic Process shall be stored in the

sub-folder 'Documents' and the reports of such Summons or Notice shall be stored in the sub-folder 'Report'.

4. Delivering the Process to Nazarat/Process branch (Process serving agency) for service through e-mail.–

- 4.1. The Registry shall transmit e-summons or Notice and the documents in searchable PDF to the Nazarat/Process branch along with the e-mail address of the opposite Party through Local Area Network/Internet.
- 4.2. Judge or the authorised person of the concerned Court Establishment shall digitally sign the Electronic Process.
- 4.3. In-charge, Nazarat/Process Branch of the concerned Court Complex shall maintain record of Electronic Process.
- 4.4. A separate unique official e-mail ID for Nazarat/Process Branch of each Court Establishment shall be created.
- 4.5. This e-mail account should be used exclusively for sending electronic Process. It shall not be used for any other purpose.
- 4.6. Electronic Process to be sent to the e-mail ID of the concerned recipient through official e-mail ID of Nazarat/Process Branch of the Court Establishment: While sending such e-mail, following steps be taken by Nazarat/Process Branch.
 - 4.6.1. Subject be mentioned as 'Service of Court-Summons by Electronic Mail in Case No.....'
 - 4.6.2. The text of the mail shall read: Please find attached herewith Court-Summons issued by the Court of (Full address) in Case No.....

- 4.6.3. Sender be shown as In-charge, Nazarat/Process Branch of the concerned Court Complex.
- 4.6.4. e-Summons and 'documents' be attached as "Attachments(s)"
- 4.6.5. Following note should be appended to the e-mail sent through such accounts.

NOTE – This is a system generated e-mail. Please do not reply. If you are not the intended recipient, kindly ignore the mail.

DISCLAIMER–The Court and its employees also accept no responsibility for any loss, damage, claim, expense, cost or liability whosoever (including in contract, tort including negligence, pursuant to statute and otherwise) arising in respect of or in connection with the service of the electronic Process.

No suit, prosecution or other legal proceedings shall lie against the Court or any other person exercising any powers or discharging any functions or performing any duties under or by the order of the Court, for non delivery, insufficient or failure of service or incorrect service of electronic Process for any reason whatsoever.

5. Maintenance of records–

- 5.1 In-charge, Nazarat/Process Branch of the concerned Court Establishment shall maintain record of the Process sent through e-mail.
- 5.2 Separate folders denoting Case No..... shall be created in the Official e-mail account. Electronic Process sent through such account shall be stored in the folder of the respective Case No.....
- 5.3 The concerned clerk shall store pdf of auto generated acknowledgment e-mails and bounced e-mails in the sub-folder 'Report'.