

High Court Case Flow Management Rules, 2010

GAD Letter No. GDC-15/CM/2010, dt. 3.3.2010

In exercise of the powers conferred by the powers conferred by section 102 of the Constitution of Jammu and Kashmir, section 122 of the Code of Civil Procedure, Samvat 1977 (X of 1977), sections 5 and 8 of the Jammu and Kashmir State Civil Courts, Act, Samvat 1977 and Clause 26 of the Letters Patents (Jammu and Kashmir) and all other powers enabling it in this behalf, the High court of Jammu and Kashmir, with the prior approval of the Governor, hereby makes the following Rules, namely:-

The Jammu and Kashmir High Court Case Flow Management Rules, 2010

1. DIVISION OF CASES INTO DIFFERENT TRACKS.

1. The High Court shall, at the stage of admission or issuing notice before admission categories the writ petitions, other than the writ of habeas corpus into three categories depending on the urgency with which the matter needs to be dealt with: the fast track, the normal track and the slow track. The petitions in the fast track shall invariably be disposed of within a period not exceeding six months while the petitions in the normal track shall be disposed of within a period not exceeding one year. The petitions in the slow track, subject to the pendency of other cases in the court, shall ordinarily be disposed of within a period of two years

2. An interim order of stay or injunction granted in respect of liability to tax or demolition or eviction from public premises, etc. and all matters involving tenders shall be put on the fast track.

3. senior Officers of the High Court, nominated or the purpose, shall at intervals of every month, monitor the stage of each case likely to come up for hearing before each Bench (the Division Bench or the Single Judge) during that month which have been allocated to the different tracks. The details shall be placed before the Chief Justice or the Committee nominated for that purpose as well as the Judge concerned dealing with cases.

4. The Judge or Judges referred to in rule 2 above may shift the case from one track to another, depending upon the complexity, (urgency) and other circumstances of the case

5. Where computerization is available, data shall be fed into the computer in such a manner that the Court or Judge or Judges, referred to in rule 2 above would be able to ascertain the position and stage of every case in every track from the computer screen.

6. Whenever the roster changes, the Judge concerned who is dealing with final matters shall keep himself informed about the stage of the cases in various tracks listed before him during every week, with a view to see that the cases are taken up early.

7. The High Court shall also divide civil appeals and other matters in the said Court into aforesaid three tracks indicated under rule 1 and 2 above and these rules apply, mutatis mutandis, to the civil appeals filed in the High Court. The High Court shall make a subject-wise division of the appeals/revision application for allocation into different tracks.

8. The notices in respect of writ of habeas corpus, where the person is in custody under orders of the State Government or Central Government, shall invariably be issued by the Court at the first listing and shall be made returnable within 48 hours. The State Government or Central Government, as the case may be, may file a brief return enclosing the relevant documents to justify the detention. The matter shall be listed after notice on the fourth working day after issuance of notice, and the Court shall consider whether a more detailed return to the writ is necessary, and, if so required, shall give further time of a week and three days' time for filing a rejoinder. A writ of habeas corpus shall invariably be disposed of within a period of fifteen days. It shall have preference over and above the fast track cases.

9. The Court rules shall prescribe the mode of service of notice on the Standing Counsel for the respondents wherever available, against whom, interim orders are sought. Such advance service shall generally relate to Governments or Public Sector Undertakings who have Standing Counsel

10. In case of first Appeal before the High Court;

- (i) in addition to the process for normal service as per the Code of Civil Procedure advance notice shall simultaneously be given by the counsel for the party who is proposing to file the appeal, to the counsel for the opposite party in the trial court itself so as to enable them to inform the parties to appear if they so choose even at the first hearing stage.
- (ii) The appellant shall, on the appeal being admitted, file all the essential papers within such period as may be fixed by the High Court to enable the said court understand the scope of the dispute and to pass the interlocutory order(s).
- (iii) Printing or typing of paper-book:- After service of notice is effected, counsel for both sides shall agree on the list of documents and evidence to be printed or typed and the same shall be made ready by the parties within the time to be fixed by the Court. Thereafter the paper-book shall be got ready. It shall be ensured that the paper-books are ready at least six months in advance before the appeal is taken up for

arguments. (Cause-lists must specify if paper-books have been filed or not.)

- (iv) Both the appellants and the respondents shall have to submit their written submissions with all the relevant pages as per the Court paper-book marked therein within a month of preparation of such paper-books, referred to in rule 3 above.
- (v) Cause-list may indicate if written submissions have been filed. If not, the Court shall direct that same be filed immediately,
- (vi) After the written submissions are filed (with due service of copy to the other side) the matter shall be listed before the Registrar/Master for the parties to indicate the time that would be taken for arguments in the appeal. Alternatively, such matters may be listed before a Judge in chambers for deciding the time duration and thereafter to fix a date of hearing on a clear date when the requisite extent of time would be available.
- (vii) In the event that the matter is likely to take a day or more, the High Court may consider having a caution list/alternative list to meet eventualities where a case gets adjourned due to unavoidable reasons or does not go on before a court, and those cases may be listed before a court where, for one reason or another, the scheduled cases are not taken up for hearing.
- (viii) At the first hearing of a first appeal when both the parties appear, the Court shall find out if there is a possibility of a settlement. If the parties are agreeable even at that stage for mediation or conciliation, the High Court could make a reference to mediation or conciliation for the said purpose.
- (ix) The appellate Court may, if necessary, restore the process contemplated by Section 89 CPC so that the hearing of the appeal is not unnecessarily delayed. Whichever is the ADR process adopted, the Court may fix a date for a report on ADR two months from the date of reference.