

\$~5

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CM (M) 1017/2019, CM APPLs. 30422/2019, 30423/2019, 30424/2019 & 31787/2019**

SATENDER SINGH RANA & ORS. .... Petitioners  
Through: Mr. V. P. Rana, Advocate.  
(M:9811165700)  
versus

GAON SABHA KADIPUR & ANR. .... Respondents  
Through: Mr. Naushad Ahmed Khan, ASC  
(Civil), GNCTD with Mr. Anil  
Tomar, BDO Office in person.  
(M:9818399578)

**CORAM:**  
**JUSTICE PRATHIBA M. SINGH**

**ORDER**  
% **29.08.2019**

1. The arguments were underway in this matter by both the counsels. However, during the course of arguments, Mr. Naushad Ahmed Khan, ld. ASC, who has appeared for the Gaon Sabha relied upon a short affidavit filed by him on 29<sup>th</sup> July, 2019. At that stage, Mr. V. P. Rana, ld. counsel for the Petitioners submits that he does not have a copy of the said affidavit. A perusal of the court record reveals that there is acknowledgement on the index stated to be received by Mr. V. P. Rana, ld. counsel for the Petitioners. In fact, Mr. Khan, ASC also submits that the court clerk supplied another copy to Mr. Rana, ld. counsel. Thereafter, the matter was passed over.
2. Post lunch, both the counsels have mentioned the matter and submit that the issue of service of short affidavit has been enquired into with their respective court clerks and sorted out amongst themselves. It appears that

the copy was actually not served and the same has now been supplied.

3. It is noticed that on several occasions wrong acknowledgements are put on the documents and pleadings, without serving copies. On other occasions it is noticed that even if copies are served legitimately, the same is denied or it is stated that complete pleadings/documents are not supplied. In order to reduce this perpetual and perennial problem in respect of service of copies between counsels and court clerks, it is deemed appropriate to pass the following directions:

- i. The acknowledgement of advance copies shall be taken on the first or second page of the index. The person acknowledging shall sign, write his name, court clerk's registration number and his mobile number as also the party for whom the acknowledgement is being given (Petitioner/Plaintiff/Defendant/Respondent no.1 or 2 etc.,)
- ii. That Counsels shall ensure that their court clerks do not give wrong acknowledgements of service in the original pleadings/documents index filed before the Court.
- iii. That any court clerk, who puts wrong signatures or *ghooghi* or wrong acknowledgement of the opposing counsel or court clerk, would be liable for strict action.
- iv. That the Counsels shall ensure that on the index at the time of filing pleadings or documents, their full names, enrolment numbers and mobile numbers along with their e-mail addresses are specified.
- v. Advance copies in addition to the hard copies or courier copies, may also be served through email so that service is not disputed

by the parties.

vi. It is made clear that in cases where counsels do not have copies of the record, they are permitted to obtain electronic copies of the Court record from the Registry of this Court.

4. The above directions are necessary in view of the fact that several adjournments before Courts are taking place due to non-receipt or non-supply of copies of complete pleadings and documents. This would also ensure that the court clerks are made accountable in case they give wrong acknowledgements of opposing counsels or clerks on the pleadings and documents. The above directions be circulated on the notice board and in the cause list of the Delhi High Court Bar Association and the District Court Bar Associations as also to the Court Clerks Association. Henceforth, any court clerk who is seen to be indulging in any such wrong acknowledgement and wrong receipt, would be liable for strict action by the Court in accordance with law.

5. Short affidavit has now been received by Mr. Rana, ld. counsel for the Petitioners. List for further arguments on 19<sup>th</sup> September, 2019. Copy of the present order be sent to the worthy Registrar General, Delhi High Court for proper circulation to all the District Judges, District court Bar Associations and Court clerk associations.

**PRATHIBA M. SINGH, J.**

**AUGUST 29, 2019/dk**