

R.O.C.NO.1363/2020/RG/Sub.Courts

MOST URGENT



OFFICIAL MEMORANDUM

- Sub: Courts – Subordinate Courts – COVID-19 – Physical hearing in all Subordinate Courts in the State of Tamil Nadu and in the Union Territory of Puducherry – Extension of – Instructions Issued – Regarding.
- Ref: 1. High Court's Notification in ROC.No.1363/2020/RG/HC, dated 1.8.2020
2. High Court's Official Memorandum in ROC.No.1363/2020/RG/Sub.Courts, dated 31.8.2020
3. High Court's Official Memorandum in ROC.No.1363/2020/RG/Sub.Courts, dated 01.09.2020

In furtherance to the High Court's Official Memorandum in the reference third cited, the Hon'ble Administrative Committee of the High Court interacted with the learned Principal District Judges; The Principal Judge, City Civil Court, Chennai; The Chief Judge, Court of Small Causes, Chennai; and the Chief Judge, Puducherry, through video-conferencing and several suggestions were made together with the views of the respective Bar Associations of the Districts, conveying that the course adopted for physical hearing may be continued, and may also be enhanced with certain more concessions in the mode of functioning.

One of the suggestions was that the litigants should be allowed entry, as that would also encourage the increase in the number of Lawyers coming to attend

courts, which for the time being is short of expectations. Suggestions from the Bar Associations were also received for opening of the Bar Chambers, Libraries and the canteens, that was also conveyed by the learned Principal District Judges. The Hon'ble Administrative Committee was also informed about the status of COVID infections and the disposals that were made during this period.

On an overall assessment, the Hon'ble Administrative Committee of the High Court has ordered that it would be appropriate to open up physical court hearings by enhancing the number of cases, as well as permitting such of those litigants to come to Court, whose cases are listed for hearing. Clerks attached to lawyers, on their identification, be also permitted entry. On the basis of the inputs received from the learned Principal District Judges, to increase the number of cases, which were approximately limited to ten cases upto now per Court, the Hon'ble Committee lifts the bar of ten cases per Court, and permits the Subordinate Courts to take up at least twenty cases per Court, with further permission to take up surrender applications and entertain sureties and allow them to enter Court physically before the Magistrate/Court concerned. The Subordinate Courts, in order to avoid crowding at the same time, shall announce a time slot for the appearance of the sureties and make a request to the counsel to appropriately organize themselves, in order to facilitate the functioning of the Court, thereby maintaining social distancing, as also avoiding overcrowding.

All the Taluk Courts in all the Districts throughout the State are now permitted to function with physical hearing, permitting lawyers as well as litigants on the same pattern as the District Headquarters, and indicated herein above. The Courts concerned shall emphasize and impress upon the advocates to avoid unnecessary adjournments and co-operate in the recording of evidence, so that trials that have been kept in abeyance for long may now progress.

In relation to the Union Territory of Puducherry, keeping in view the request made by the Chief Judge, Puducherry, in view of the increase of COVID death rates in Puducherry, as reported, the present system of functioning of the Courts shall continue until fresh reports are received for resuming normal functions. This is also applicable for Karaikal. For Mahe and Yanam, according to the report of the Chief Judge, Puducherry, the said Taluks shall function in the same manner, as the other Taluks throughout the State of Tamil Nadu.

The restrictions above shall continue to be applicable in respect of Thirutharaipoondi Taluk in Tiruvarur District in view of the concern expressed by the learned Principal District Judge.

The learned Principal District Judges; The Principal Judge, City Civil Court, Chennai; The Chief Judge, Court of Small Causes, Chennai; and the Chief Judge, Puducherry, shall send a report after a week about the status of reserved judgments in respect of all the Officers.

All the Judicial Officers are hereby impressed upon for the use of service of summons through the latest NSTEP App, which has been provided for in order to facilitate service of summons.

The question of opening of Bar Rooms, Chambers and Canteens inside the premises of the District Courts will be considered after assessing the functioning as above, by the Hon'ble Administrative Committee of the High Court, on receiving reports in this regard.

The above arrangements shall come into effect w.e.f 28-09-2020.

HIGH COURT, MADRAS
DATED: 24-09-2020.

SD/- C. KUMARAPPAN
REGISTRAR GENERAL

To

1. All the Hon'ble Judges (for information).
2. All the Registrars, High Court, Madras and Madurai Bench of Madras High Court, Madurai.
3. The Additional Registrar General, Madurai Bench of Madras High Court, Madurai.
4. The Principal Judge, City Civil Court, Chennai.
5. The Chief Judge, Court of Small Causes, Chennai.
6. The Chief Judge, Puducherry
7. All Principal District Judges/District Judge-cum-Chief Judicial Magistrate
8. All Chief Judicial Magistrates
9. The Chief Metropolitan Magistrate, Egmore, Chennai.
10. All the Officers, High Court, Madras and Madurai Bench of Madras High Court, Madurai.
11. All the Heads of Sections, High Court, Madras and Madurai Bench
12. The Chairman, Federation of District and Subordinate Courts Bar Associations of Tamil Nadu and Pondicherry, No.1-A6, Trichy Main Road, Namakkal 637 001.

Copy to The Record Keeper, A.D. Records, High Court, Madras.

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