

IN THE HIGH COURT OF DELHI AT NEW DELHI

CM(M) 1126/2014

RANDEEP KAUR Petitioner

**Through Mr. Gurmeet Singh, Ms. Sadhana
Somvanshi, Mr. Atul Patni, Advs.**

versus

AYUSH SIBAL Respondent

Through None

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

09.01.2015

CM 21326/2014

Exemption allowed subject to just exceptions.

CM(M) 1126/2014

No notice is required to be issued to the respondent for disposal of the present petition as the issue in the present petition relates to service of summons to the respondent before the learned Trial Court. Since no service was being affected to the respondent the petitioner filed an application under Order V Rule 9 CPC for service to the respondent by e-mail/ SMS/ telephone.

The learned Trial Court rejected the said application on the ground that no affidavit had been filed by the plaintiff stating the e-mail address of the defendant and as per Chapter 4 Rule 12 of notification relied upon by the petitioner the affidavit in the aforesaid terms was a must before service. It is CM(M) 1126/2014 page 1 of 3 further noted that under Rule 13 electronic mail service can be effected through digitally signed process by using a pre-designed template along with the scanned images of the document. As

per the available infrastructure at Karkardooma Court the same was not possible.

The Delhi High Court vide notification dated 9th February, 2011 notified the Delhi Courts Service of Process by Courier, Fax and Electronic Mail Service (Civil Proceeding Rules) 2010 (in short the Rules). As per Chapter 4 Rule 12 of the said Rules a party desirous of sending process to the other party by electronic mail service was required to file e-mail address of the other party along with an affidavit in Court stating that the e-mail address of the other party given by him is correct to the best of his knowledge.

The grievance of the learned Trial Court appears to be that no digitally signed process possibly be sent at the given e-mail address by using pre-designed template in view of unavailability of infrastructure.

The Centralised Computer Committee for the subordinate Courts is directed to look into the matter and provide the necessary infrastructure in this regard in all the Subordinate Courts.

In case the said infrastructure is not easily available, on filing of the e-mail address along with his affidavit by the petitioner as contemplated under Chapter 4 Rule 12 of the Rules, the petitioner will serve the respondent through e-mail and file a certificate under Section 65B of the Evidence Act in this regard.

Petition is disposed of.

CM(M) 1126/2014 page 2 of 3

Copy of the order be sent to the Chairman, Central Computer Committee for the Subordinate Courts and also the Registrar General of this Court for circulation to all the District Judges for ensuring necessary infrastructure for implementation of the Delhi Courts Service of Processes by Courier, Fax and Electronic Mail Service (Civil Proceedings) Rules 2010.

MUKTA GUPTA, J.

JANUARY 09, 2015

CM(M) 1126/2014 page 3 of 3