

## HIGH COURT OF MADHYA PRADESH, JABALPUR

### An overview of the updated scheme for rationalization of assignment cum listing of cases before the Benches of the High Court of Madhya Pradesh (Amended as on 16<sup>th</sup> July, 2018)

#### INTRODUCTION

The number of cases being filed in the High Court of Madhya Pradesh has been constantly on the rise and listing of cases is becoming acutely unwieldy. In order to meet the ever increasing demand for listing of cases for hearing, considering the available working Judges strength, streamlining the listing procedure, better court case management, ensuring timely disposal, transparency, accountability, consistency, make the process litigants and lawyers friendly and to subserve the aspirations of the stakeholders, scheme for rationalization of listing of cases before the Benches of the High Court of Madhya Pradesh was conceptualized and introduced on 06/12/2013. This scheme was modified from time to time to meet the exigencies and to remove the difficulties experienced during working of the system, keeping in mind suggestions given by the stakeholders and was updated on 18/07/2014 and 09/01/2015. Now about more than 2<sup>1</sup>/<sub>2</sub> years have elapsed since introduction of the scheme.

The principal object of the scheme is to strengthen the Court functioning and make it transparent, rational, responsive and also for enhancing efficiency in docket management especially of Motion hearing matters for dispensing quality justice to the litigants.

It is expedient to cure the anomalies faced during this period to make it more responsive and also to augment the efficiency level. The salient features of the updated scheme may be summed up as under :

#### ADMISSION (MOTION HEARING)

1. **No pre-admission matter shall remain undated.** In that, every admission matter shall bear some date, either given by the Court or auto-generated by the computer.
2. The matters notified on the daily/weekly Board/list alone would be treated as assigned to the concerned Court, not the rest of the pending matters of that category.
3. Work load shall be equally distributed amongst the available Judges on day to day basis.
4. The CMIS software has been designed to address relative urgency of different types of cases as per the Court listing policy.
5. Ordinarily, upto 100 main cases (excluding order matters) will be listed before the Benches (SB / DB) sitting for full day.
6. Cases in which computer generated dates are given are also to be listed within the specified number (100 main cases), after listing of fixed date and freshly filed cases, if the space so permits. If, because of Court given date cases/fresh cases, daily list gets oversized, the computer generated dates "after notice admission cases of the same type" will be listed chronologically in suitable lots after six weeks and such dates shall be rescheduled and notified in the daily/supplementary list.

7. Court dated pre-admission cases shall be listed on fixed dates and shall not be left out. Pre-admission matter ordered to be listed by the Hon'ble Court in week commencing / next week / after week(s) shall be treated as Court given date matter.
8. Fresh Habeas Corpus Petitions shall be listed under caption "Top of the List" in the daily cause list on the next Court working day after removal of office objections, if any. In case, these matters could not be taken up on the assigned date for any reason, the same will be notified on the next Court working day under caption "Top of the List", in the supplementary list.
9. Fresh admission cases shall be listed on the third Court working day from the date of removal of office objections, if any.
10. Not reached/left over **fresh admission** matters shall be listed in the following week in suitable lots. The not reached / left over **after notice** cases will be assigned auto-generated returnable dates spread out in suitable lots after six weeks. However, matters pertaining to stay/vacating stay/condonation of delay shall be listed on the following third working day. This is to ensure that the daily list / supplementary list for the following week does not get oversized. The returnable dates of concerned cases will be notified on the High Court official website in the case status of that case as also on the list/board for the next Court working day, for the information of the litigants and lawyers. **In either case, if the Court orders to the contrary in exceptionally urgent matters, the Court given date will prevail.**
11. **Ordinarily, application for vacation of ex-parte stay or application for condonation of delay in filing main matter will be listed under caption "ORDER" on the third Court working day from the date of removing office objections, if any.** However, if the main (pre-admission) case is scheduled within 3 days from the date of removing office objections in the application for vacating stay, then the IA (Interlocutory Application) for vacating ex-parte stay be listed along with the main case in appropriate category (Fresh / After Notice / Final Disposal).
12. Interlocutory application(s) (**other than for vacation of ex-parte stay and condonation of delay in filing main matter**) filed in pre-admission matter (matter yet to be formally admitted by the Court) shall be listed along with the main matter on its returnable date and shall not be listed under "**ORDER CATEGORY**".
13. Fresh matters under Sections 438 & 439 of Code of Criminal Procedure, 1973 shall be listed before the Court on 5th Court working day from the date of removal of defaults, if any, under caption "Bail Matters".
14. Criminal Appeal and Criminal Revisions accompanied by application for suspension of sentence / bail filed under section 389 / 397 Cr.P.C / Section 53 Juvenile Justice (Care and Protection of Children) Act 2000 / Sec. 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by the Amendment Act, 2015 shall be listed on 5th Court working day from the date of removal of defaults, if any, for "admission" (Fresh/After Notice/Final Disposal).
15. The left over bail / suspension of sentence matters will be listed on second following Court working day.

16. All bail applications under section 438 & 439 Cr.P.C. arising from the same crime number of the same Police Station and application for suspension of sentence under section 389 / 397 Cr.P.C / Section 53 Juvenile Justice (Care and Protection of Children) Act 2000 / Sec. 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by the Amendment Act, 2015 arising from the same judgment / orders filed by the different applicants separately will be listed before the same Hon'ble Judge(s). **However, if the same Hon'ble Judge(s) is/are not available due to change of Headquarter, transfer, elevation or retirement, then the subsequent bail application of co-accused persons will be listed before available senior most Hon'ble judge(s) to whom Criminal Cases are assigned.** However, if previous applications for bail/suspension of sentence have been disposed of by different Hon'ble Judges, the subsequent fresh bail application of co-accused persons be listed before available senior most Hon'ble Judge who had disposed of any bail application pertaining to same Crime number of the same Police Station / same judgment of the Court below.
17. Repeat Bail Applications filed under Section 389, 438 and 439 of the Cr.P.C./ Section 53 Juvenile Justice (Care and Protection of Children) Act 2000 / Sec. 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by the Amendment Act, 2015 shall be listed before the Hon'ble Judge who decided the first bail application. However, if the Hon'ble Judge, who decided the first application, is not available due to change of Headquarter, transfer, elevation or retirement, then the subsequent bail applications shall be listed before the senior most (D.B. / S.B.) Bench to whom Criminal Cases are assigned. Provided that where the first bail application is decided by an Hon'ble Judge and the subsequent bail application is decided by another Hon'ble Judge and both are available for hearing, then the further subsequent bail application shall be listed before the senior Hon'ble Judge.
18. The advance daily list for the entire next week will be published on the previous working Friday or last Court working day of the previous week, as the case may be, latest by 8:00 p.m. and displayed on the official website of the High Court.
19. Any urgent / left over matter/fresh for admission matter required to be listed on the next Court working day after preparation of final list will be included in the **supplementary list. The supplementary list shall indicate the serial number when the matters of given category included in the supplementary list will be called out for hearing.**
20. As per **Part (A) Rule 1 (1) (c) of Chapter V of the High Court of MP Rules 2008**, the Registrar is **authorised to decide all matters relating to service of notice (i.e. few served and remaining unserved) or other processes.** Accordingly, all such matters shall be listed on the returnable date before the Registrar (Judicial) and not under "**ORDER CATEGORY**" before the Court, in the first instance.
21. Pre-admission Cases, where **respondent(s) are served**, shall be, accordingly, updated and listed before the Court as per the Court given date or computer generated date under appropriate caption. **The returnable date mentioned in the notice issued by the Court must be treated as Court given date.**

- 21(A). Pre-admission Cases, where **respondent(s) are served**, and listed before the Court and the Court gives time to file pleadings/return/rejoinder, such cases (except Fixed Date Cases and Cases in which Mention Memos have been allowed) shall be listed before Registrar (Judicial) and the Registrar (Judicial) shall deal with it, according to Part (A) Rule 1(1)(cc) of Chapter V of “*The High Court of Madhya Pradesh Rules, 2008*”.
22. Except in cases as specified in Point No. 21(A), in case of non-compliance of the orders of the Registrar the matter shall then be listed before the Court under caption “**Common Order**”. All order matters which can be disposed of by common order will be notified on the Board in “**Common Order**” category separately with the proposed order to be passed therein with the returnable dates for the concerned matters.
23. If, inspite of ‘**Common Order**’ passed by the Court, the default is not removed within specified time given by the Hon’ble Court, such matter(s) will be listed under caption ‘**Common Conditional Order**’ in respect of such default on the returnable dates.
24. Pre-admission cases, in which reply has not been filed by the party despite direction of the Court, shall be proceeded under appropriate category (Fresh / After Notice / Final Disposal) on the returnable date before the Court and should not be listed in “**Order Category**”.
25. The motion hearing list will have separate heads of cases in the following order of precedence:-

S.No.	Particulars of Heads
A.	Common Order (preferably at 10:30 a.m.)
B.	Common Conditional Order (preferably at 10:30 a.m.)
C.	Top of the list (for admission)
D.	Bail Matters :- i) Bail applications u/s 438 Cr.P.C. ii) Bail applications u/s 439 Cr.P.C. iii) Suspension of sentence u/s 397 Cr.P.C. iv) Suspension of sentence u/s 389 Cr.P.C. v) U/s 53 Juvenile Justice Act, 2000 / Sec. 102 Juvenile Justice Act, 2015 vi) U/s 14A SC/ST Act, 1989 as amended by Amendment Act, 2015
E.	Fresh (for admission) i) Civil ii) Criminal
F.	Admission matters more than five years old
G.	After notice (for admission) i) Criminal ii) Civil
H.	Final Disposal at admission stage i) Civil ii) Criminal
I.	Settlement
J.	Personal Appearance (preferably at 02:30 p.m.)
K.	Direction Matters
L.	Orders

26. All connected matters shall be listed under one serial number (with sub numbers thereof) in the daily/weekly list and not separately.
27. **Cases of outstation Advocates will be listed on a particular day of the week as per administrative directions issued in this behalf by Hon'ble the Chief Justice.**
28. The cases to be listed before DB-I at the Principal Seat as well as the Benches, will be as per the assignment for DB-I.

#### MENTIONING OF MATTERS

29. Mentioning for urgent listing or change of assigned dates of all D.B./S.B. matters not notified in the Daily / Weekly List shall be entertained only by DB-I at Principal seat and the respective Benches at Indore and Gwalior. But, Mentioning of all such DB matters related to Commercial Appellate Division shall be made before the respective Commercial Appellate Division at Principal Seat Jabalpur and Benches at Indore and Gwalior. **However, mentioning of matters already notified in the Daily / Weekly List can be made before the concerned Hon'ble Division / Single Bench, where the matter is so listed.**
30. Every fresh admission matter will be automatically listed (without need for mentioning) on the third Court working day from the date of removing the office objections.
31. Mentioning of **pre-admission matters** to which specific date has already been assigned by the Court or auto-generated through computer, must be avoided except in matters which cannot wait till the assigned date, for pre-poning the date or for change of date, if the same is not convenient to the Advocate or the parties. **This can be done without a formal application for urgent hearing, on moving mentioning slip / memo before DB I or concerned Commercial Appellate Division, as the case may be.**
32. Mentioning of SB Arbitration/Company/Taxation/Election matters be made before the designated Judge(s).
33. To streamline the procedure for mentioning and to obviate the Court pressure for mentioning of matters, the mentioning memo should be first presented between **10:30–11:30 a.m.** before the Registrar (J-II) at Principal Seat, Jabalpur and before the Principal Registrar at Benches at Indore and Gwalior respectively, who shall make endorsement on the mentioning slip about (a) date of institution (b) date of removal of office objection (c) last date of the listing of the case (d) type of case – Fresh / After Notice / Final Hearing (e) if Final Hearing case, whether ready for hearing and the serial number in the concerned category of the quarterly list (f) the assigned returnable date given by the Court or generated by the computer, as the case may be. **However, exceptionally urgent matters can be mentioned on the same day before the Hon'ble mentioning Court (i.e. DB-I).**
34. The concerned Registrar shall send all mention memos to the Reader of the Court in the evening on the same day.
35. Advocates/Litigants must peruse the endorsement of the Registrar in the next morning before 10:30 a.m.
36. **The Computer generated date as authenticated by the Principal Registrar / Registrar (Judicial) of pre-admission matters, will be treated as Court given date and the matter will be listed on that date before the concerned Bench as per the assignment, without any exception. There is no need to mention these cases before the Court.**

## FINAL HEARING

37. After taking up cases notified for motion hearing assigned to the concerned Bench, the cases for final hearing will be taken up ad seriatim by that Bench. Ordinarily Thursday will be the Final Hearing day from 10:30 a.m..
38. A Consolidated Quarterly List of final hearing cases is displayed on the official website of the High Court. This list consists of matters in the given category chronologically which are ready for final hearing. The relative position of matters included in the Consolidated Quarterly List of the given cases will be indicated in the case status of that case.
39. A weekly list shall be drawn from the Consolidated Quarterly List of ready matters. This list shall consist of proportionate lots of cases of categories in chronological order assigned by Hon'ble the Chief Justice to a particular Bench. The cases notified in the weekly list will be commensurate with the inter-se ratio of the pending cases of categories in the quarterly list as worked out by **CMIS software and not manually**. **If, however, in a given category, there are only five or less than five cases available for listing in the week, all such cases will be included in the weekly list.**
40. **If any Final Hearing case fits in two or more categories of priority category, then it will be automatically included by the CMIS software in the category where it would get priority. If the case is not properly positioned in the list notified by the Registry, it can be brought to the notice of the Principal Registrar / Registrar (Judicial-II), who will issue suitable directions.**
41. In **admitted case**, in which reply has not been filed by the party despite direction of the Court, **shall not be treated as unready matter** and shall, accordingly, be proceeded as per its turn under appropriate category on the assumption that the Respondent is not interested in filing reply/return. **Such case(s) will not be listed in 'ORDER CATEGORY' before the Court.**
42. In admitted matters all interlocutory applications shall be updated under "ORDER CATEGORY", unless ordered by the Court to be heard along with the main matter.
43. All Applications for urgent hearing of admitted cases pertaining to SB or DB shall be listed before DB-I or concerned Commercial Appellate Division, as the case may be, at Principal seat, Jabalpur and Benches at Gwalior and Indore respectively.
- 43(A). An application for request regarding filing of pleading, return and rejoinder in cases which has been treated as ripe-up for Final Hearing after extension of time by the Registrar (J), if made shall be listed before concerning Court to which such matters are assigned in roster.
44. **If a case older than the oldest of a given category listed in the Weekly List is left out or included in wrong category resulting in losing its seniority, litigants / advocates are requested to bring that fact to the notice of the Principal Registrar/Registrar (Judicial)/Registrar (IT) so that corrective measures can be taken by the office.**
45. Part heard / specially assigned matters (except election petitions and Full Bench matters) would cease to be part heard/specially assigned with change of assignment of cases of the concerned category, unless a request for continuation of the matter is made by the parties and the same is approved by Hon'ble the Chief Justice.

46. The Election Petitions will be heard as priority cases by the concerned Judge to whom the case has been assigned, keeping in mind the statutory requirement of disposal of such cases within six months.

**SPECIAL ASSIGNMENT FOR COMPANY, ARBITRATION,  
TAXATION AND ELECTION MATTERS**

47. Special assignment for company, arbitration, taxation and election matters shall be notified in the assignment.

**E-SERVICES**

48. In case of default in a freshly filed case, auto generated SMS/email will be automatically sent through CMIS software to the registered mobile number/email address of the advocate and/or litigant. Similar services are being provided regarding listing of cases, paper-book estimates and upon preparation of paper-book. However, it is advisable to rely on the cause-list uploaded on website, in time to avoid inconvenience.
49. On line information regarding listing of cases as per the approved scheme shall be available on the official website 'www.mphc.gov.in' of Madhya Pradesh High Court and on Kiosks installed at various locations in the High Court premises in Jabalpur Main Seat as well as at Indore and Gwalior Benches.

**Note:- The above scheme is flexible and open to suitable modifications to address issues of stakeholders and administrative exigency and is operated by in house customized auto generated computer programme.**

**Dated: 16<sup>th</sup> July, 2018**

**Sd/-  
16.07.2018  
(ARVIND KUMAR SHUKLA)  
REGISTRAR GENERAL**

**Approved  
Sd/-  
16.07.2018  
CHIEF JUSTICE**