



**HIGH COURT OF MADHYA PRADESH
JABALPUR**

// NOTICE //

No.26/P.R.(J)/2021

Jabalpur, dated 18/02/2021

Sub.:- Requirement of filing of Hard Copies of pleadings and Documents filed electronically in view of Rule 17 of the Electronic Filing (E-Filing) in the High Court of Madhya Pradesh Rules, 2020.

As directed by Hon'ble the Chief Justice, this is for general information to all concerned for compliance of the provision of Rule 17 of "**The Electronic Filing (E-Filing) in the High Court of Madhya Pradesh Rules, 2020**", in the High Court of Madhya Pradesh at Principal Seat Jabalpur and Benches at Indore and Gwalior w.e.f. **22/02/2021**.

The Rule 17 of the Electronic Filing (E-Filing) in the High Court of Madhya Pradesh Rules, 2020, is as under :-

1. *"Advocates, as well as parties, may print hard copies of all pleadings and documents filed electronically for their use in the court or elsewhere.*
2. *Party or the Advocate e-Filing an action or petition or document shall also file a hard copy at the filing counter of the Registry of High Court of Madhya Pradesh, along with a note mentioned in the beginning certifying that, "Hard copy and Soft copy are the same" and in case of any discrepancy between the hard copy and the soft copy, the preference shall be given to the hard copy.*
3. *The hard copy shall be filed within 3 working days of e-Filing in urgent cases and 7 working days in ordinary cases. The date of filing of hard copy shall be taken to be the date of filing and date of e-Filing shall be taken to be the date of filing for computing the period of limitation."*

Copy of "The Electronic Filing (e-Filing) in the High Court of Madhya Pradesh Rules, 2020" is enclosed herewith.

Sd/-
**(MANOJ KUMAR SHRIVASTAVA)
PRINCIPAL REGISTRAR (JUDICIAL)**

THE ELECTRONIC FILING (E-FILING) IN THE HIGH COURT OF MADHYA PRADESH RULES, 2020

In exercise of the powers, conferred by Article 225 of the Constitution of India, section 54 of the States Reorganisation Act 1956, clauses 27 and 28 of the Letters Patent, section 3 of the Madhya Pradesh Uchcha Nyayalaya (Khandpeeth ko Appeal) Adhiniyam, 2005, the High Court of Madhya Pradesh, hereby, makes the following Rules, regulating practice and procedure pertaining to use of e-filing for Courts of the High Court:

1. NOMENCLATURE:

These Rules shall be called The Electronic Filing (E-filing) in the High Court of Madhya Pradesh Rules, 2020.

2. APPLICABILITY AND ENFORCEMENT:

These Rules shall apply to Electronic Filing (e-filing) of the cases in the High Court of Madhya Pradesh and shall come into force from the dates and for the categories of cases as may be notified by the Chief Justice of the High Court of Madhya Pradesh from time to time.

3. Definitions:-

(1) In these Rules, unless the context otherwise requires,-

- (a) **Action:** includes all proceedings instituted in the Court such as appeals, civil or criminal, writ petitions, revision petitions, contempt petitions, arbitration petitions, and interlocutory applications.
- (b) **Administrator:** means the Chief System Analyst / Senior Principal System Analyst or an officer appointed by the Chief Justice for administering and dealing with matters connected with or relating to e-filing.

- (c) **Bench:** means and includes one or more Judges assigned to adjudicate upon Actions or the presiding officer of the Court as the case may be.
- (d) **Court:** means High Court of Madhya Pradesh.
- (e) **Designated Counters:** means and includes those counters which find mention in *Appendix-I* and those that may be included or excluded from *Appendix-I* from time to time.
- (f) **Electronic Filing (e-filing):** means e-filing as prescribed through the Internet (at the web portal of the Court) and through the internet/intranet at Designated Counters, unless the context requires otherwise.
- (g) **Evidence:** means and includes evidence as defined under the Indian Evidence Act, 1872.
- (h) **Hard Copy:** means a printed version of the documents or/and pictures on paper, whichever is filed through eFiling.
- (i) **High Court:** High Court means the High Court of Madhya Pradesh.
- (j) **Objections:** means and includes deficiencies and errors pointed out by the Registry in relation to the Actions instituted in the Court.
- (k) **Opposite Party:** means respondents and non-applicant(s).
- (l) **Party:** means appellant(s), petitioner(s) and applicant(s).
- (m) **Physical Filing:** means Actions and pleadings filed as hard copies.
- (n) **Pleadings:** means pleadings filed in support or defence of an Action including affidavits, additional affidavits and supplementary affidavits.
- (o) **PDF:** means an electronic document filed in a portable document format.

- (p) **PDF/A:** means an ISO-standardized version of the Portable Document Format (PDF) specialized for the digital preservation of electronic documents.
- (q) **Registry:** means the Registry of the High Court.
- (r) **Scanned document:** means an electronic image created by scanning a paper document.
- (s) **Statement of Defence:** means and includes replies, counter-affidavits and additional or supplementary affidavits.
- (t) **Technical failure:** means a failure of the court's hardware, software, and/or telecommunications facility which results in the impossibility of submitting a file electronically. Technical failure does not include malfunctioning of the equipment of the person submitting an e-file.
- (u) **Third Party:** means and includes any person or entity seeking to become a party or to intervene in an Action.
- (v) **Working Day:** means and includes a day when the Registry of the High Court is working under the Calendar published or as directed by the Chief Justice.
- (2) Words and expressions used and not defined in these Rules shall have the same meaning as assigned to them in the High Court of Madhya Pradesh Rules, 2008, Code of Civil Procedure, 1908, Code of Criminal Procedure, 1973, Indian Evidence Act, 1872, Information Technology Act, 2000 and the General Clauses Act, 1897.

4. General Instructions:-

- (1) On-line e-filing shall be made by visiting the web portal of the High Court, namely: www.mphc.gov.in

- (2) Except as provided in these Rules, Actions, whether in fresh, pending or disposed of cases, will be filed electronically by an advocate or litigant in person from their home, office or other remote location in the manner provided in these Rules.
- (3) Any person who is unable to access the e-filing portal would be entitled to make use of the facilities provided at the Designated Counters for that purpose upon payment of charges as stipulated.
- (4) The size of the e-file should not exceed 20 MB. In case the file size exceeds 20 MB, the Advocate or litigant should visit any one of the Designated Centres for enabling e-filing through the intranet.

5. Steps for Registration:-

- (1) Persons other than Advocates and litigants in person who are already registered on the Court web portal will take the following steps to register themselves.

(a) Advocates

- (i) Should visit the web portal (<https://www.mphc.gov.in>) to view the form.
- (ii) Click the registration link.
- (iii) Fill the form with requisite details.
- (iv) Submit the filled-up form along with a self-attested copy of the Bar Council Registration Certificate or Bar Council I-card (in PDF format only).

(b) Litigants in person

- (i) Should visit the web portal (<https://www.mphc.gov.in>) to view the form.
- (ii) Click the registration link.
- (iii) Fill the form with requisite details.

- (iv) Submit the filled-up form along with the self-attested copy of any identity document issued by the Government (in PDF format only).
- (2) Litigants in person shall submit an affidavit/undertaking that they have not engaged an Advocate in the Action. A litigant in person who subsequently engages an Advocate, shall make an application before the Administrator for transferring the data in respect of the Action to the Advocate's account in. Once the Administrator allows the application, the data in the Action shall be transferred in the user account of the Advocate. The litigant in person will not be in a position to modify the data of the subject Action, without the permission of the Administrator.
- (3) A login ID will be allotted on the next same working day if the application is found complete in all respects. The procedure for registration is as set out in *Appendix-II*.

6. Frame of Pleadings:-

The pleadings shall be clear and concise. Parties and third parties shall set forth their claims/averments in separate paragraphs. The statement of truth/ affidavit of the concerned person must bear their signature. Opposite parties shall also file their replies under sequentially numbered paragraphs and headings (such as Preliminary Objections and Objections on Merits).

7. Formatting:-

- (1) All the original typed text material including notice of motion, memorandum of parties, main petition or appeal, interlocutory application(s), reply, status report, affidavit, documents, will be prepared electronically using the following formatting style:

- Paper size : A-4
- Top Margin : 1.5"

- Bottom Margin : 1.5"
 - Left Margin : 1.75"
 - Right Margin : 1.0"
 - Alignment: Justified
 - Font : Times New Roman
 - Font size : 14
 - Line spacing : 1.5
 - If any document is typed in a local language in Trial Courts, its copy must be prepared using Times New Roman Unicode Font 14.
- (2) The document should be converted into Optical Character Recognition (OCR) searchable Portable Document Format (PDF) or PDF/A using any PDF converter or in-built PDF conversion plug-in provided in the software. PDF/A is the preferred format.
- (3) A document which is not a text document and has to be enclosed with the Action, should be scanned using an image resolution of 300 DPI (Dots per inch) in OCR searchable mode and saved as a PDF document. The procedure for converting a document into an OCR searchable PDF as mentioned above and as required in sub-rule (1) of Rule 9 is as set out in *Appendix — III*.

8. Digital Signatures:-

- (1) The PDF document shall be digitally signed either by the parties and/or by their Advocate. The digital signatures shall be appended on lower left side of the PDF document. If neither the party nor the Advocate who has been engaged possess a digital signature, a print out of the Action shall be physically signed by the party concerned and/or their Advocate in accordance with "The High Court of Madhya Pradesh Rules, 2008" and it shall thereafter be scanned and uploaded.

- (2) A List of recognized Digital Signature Providers and the procedure involved in appending single or multiple signatures is as set out in *Appendix — IV*.
- (3) A litigant in person or advocate who does not possess a digital signature issued by the competent authority can authenticate e-filed documents by e-Sign based on Aadhaar authentication.

9. Dos and Don't's:-

- (1) The text documents and scanned documents set out in sub-rule (3) of Rule 7 and sub-rule (1) of Rule 8 should be merged as a single OCR searchable PDF file and should be book-marked as per the Master Index, duly approved by the Registry. The procedure in this behalf is as set out in *Appendix-V*.
- (2) The merged documents should be uploaded at the time of on-line e-filing. Screenshots of the manner of accessing the on-line e-filing portal and for the filing of the main case and documents including replies, replications, rejoinders, affidavits and evidence in a pending case are as set out in *Appendix - I*.
- (3) Once e-filing is accepted, the filing or registration number shall be notified to the Advocate or litigant in person.
- (4) In case on-line e-filing includes audio and/or video files, the Administrator shall generate a hash value.
- (5) Special Characters are not allowed while e-filing Memo of Parties and Advocate remarks.
- (6) Document Binary File Name Standards

The following special characters are not allowed in a file name:

- A quotation mark (")
- A number sign/Pound (#)

- Per cent (%)
- Ampersand (&)
- Asterisk (*)
- Colon (:)
- Angle brackets (less than, greater than) (<>)
- A question mark (?)
- Backslash (\)
- Forward slash (/)
- Braces (left and right) ({ })
- Pipe (|)
- A tilde (~)
- The period (.) character used consecutively in the middle of the file name or at the beginning or end of the file name.

File names should not exceed 30 characters in length, including spaces. Single space must be counted as one character each.

- (7) On-line e-filing shall not be watermarked or encrypted. The e-filed documents shall not contain any virus, malware, Spam-ware, trojan horse or the like. All the e-filed documents shall be legible and free of markings, track changes or annotations.

10. Payment of Court Fees/Other Charges:-

Court fee can be paid by online payment to the Madhya Pradesh Treasury or through any authorized service provider approved by High Court of Madhya Pradesh. The payment code whether automatically generated on payment of court fee online through the Madhya Pradesh Treasury or through any authorized service provider approved by High Court of Madhya Pradesh has to be filled in the appropriate box at the time of e-filing.

11. Retention of Originals:-

The originals of the documents that are scanned and digitally signed either by counsel or parties in person at the time of e-filing shall be preserved for production upon being directed by the court at any time. In any event, signed Vakalatnama, signed and notarized/attested affidavit shall be filed in original in the Registry. Any other document whose authenticity is likely to be questioned should be preserved at least for a period of two years after the final disposal of the action including appeals if any and the following documents shall be preserved permanently:-

- (1) A power-of-attorney as defined in section 1A of the Power-of-Attorney Act, 1882 (7 of 1882).
- (2) The Arbitration Agreement under Arbitration Act 1996.
- (3) Original certificate issued by election officer in election petition.
- (4) Any other document as may be directed by the Bench.

Note:- The responsibility for producing the originals and proving their genuineness shall be of the party that has electronically filed the scanned copies thereof.

12. Access to the Electronic Data of the Action:-

Free of cost access will be available to authorized person(s) to data e-filed by any of the parties to the specific Action, as is presently being provided in pending Actions. This facility shall be in addition to the procedure of obtaining certified copies.

13. Exemption from e-filing:-

Exemption from on-line e-filing of the entire pleading or a part of the pleadings and/or documents may be permitted by the Bench upon an application being made for that purpose in the following circumstances:

- (i) where on-line e-filing is for reasons set out in the application not feasible; or
- (ii) where there are concerns about confidentiality and protection of privacy; or
- (iii) where the document cannot be scanned or filed electronically because of its size, shape or condition; or
- (iv) where the on-line e-filing portal is either inaccessible or not available for some reason; and/or
- (v) for a just and sufficient cause.

14. Service of Electronic Documents:-

In addition to the prescribed mode of service, notices, documents, pleadings that are filed electronically may also be served through the designated e-mail IDs of Registry officials to the e-mail address of the advocates or parties, if available. E-mail IDs of Registry officials will be published on the High Court website to enable the recipients to verify the source of the e-mail.

15. Computation of Time:-

- (1) Wherever limitation/time limits apply, it will be the responsibility of the party concerned to ensure that the filing is carried out well before the cut-off date and time. The date of e-filing will be taken as that date when the Action is electronically received in the Registry within the prescribed time on any working day. For computing the time at which e-filing is made, Indian Standard Time (IST) will apply.
- (2) E-filing through Designated Counters will be permissible up to 1600 hours on any court working day. On-line e-filing carried out after 1600 hours on any day, will be treated as the date which follows the actual filing date provided it is a court working day. Actions filed on a day declared as gazetted holiday or on a day when the court is closed, will be regarded as having been filed on

the next working day. For the computation of limitation, on-line e-filing shall be subject to the same legal regime as applicable to physical filing, save and except as provided herein above.

- (3) The facility for on-line e-filing through the web portal shall be available during all twenty four hours of each day, subject to breakdown, server downtime, system maintenance or such other exigencies. Where on-line e-filing is not possible for any of the reasons set out above, parties can either approach the Designated Counters for e-filing between 10:30 to 13:30 hours and 14:30 to 16:00 hours on court working days or take recourse to physical filing. No exemption from limitation shall be permitted on the ground of a failure of the web based on-line e-filing facility.
- (4) Provisions for limitation governing on-line e-filing will be the same as those applicable to physical filing. The period of limitation for such actions will be counted from the date when e-filing is made as per the procedure prescribed in these Rules.

16. Procedure for Filing Caveat:-

All caveats can be filed on-line. The procedure for this purpose is as set out in *Appendix —VI*.

17. Hard Copies of Pleadings and Documents filed Electronically:-

- (1) Advocates, as well as parties, may print hard copies of all pleadings and documents filed electronically for their use in the court or elsewhere.
- (2) Party or the Advocate e-Filing an action or petition or document shall also file a hard copy at the filing counter of the Registry of High Court of Madhya Pradesh, along with a note mentioned in the beginning certifying that, "Hard copy and Soft copy are the same" and in case of any discrepancy between the hard copy and the Soft copy, the preference shall be given to the hard copy.
- (3) The hard copy shall be filed within 3 working days of e-Filing in urgent cases and 7 working days in ordinary cases. The date of

filing of hard copy shall be taken to be the date of filing and date of e-filing shall be taken to be the date of filing for computing the period of limitation.

18. Storage and Retrieval of e-Filed Documents and Pleadings:-

E-filings will be stored on an exclusive server maintained under the control and directions of the Court. Each such filing will be separately labelled and encrypted to facilitate easy identification and retrieval. The security of such filings will be ensured. Access to e-filings would be restricted in the manner provided herein above and as may be notified from time to time. For continuity of operations in case of disaster, natural calamity or breakdown, a mirror image of e-filings available on the servers located in the Court may be maintained at different geographical locations, as decided from time to time by the High Court.

19. Residuary provisions:-

- (1) The e-filing made by an Advocate/litigant in person will be rejected if they do not follow the protocol mandated by these Rules or practice directions.
- (2) Subject to such further directions as may be issued, it would not be obligatory on the part of the opposite party to accept pleadings and documents by email. In such an eventuality, hard copies of pleadings and documents will have to be provided to the opposite party. In such circumstances, the petitioner can be called upon to deposit the charges calculated on the basis of the number of pages per respondent which are required to be photocopied. This facility will be provided by the Registry on a written request being made by the respondent(s).
- (3) The Registry will communicate the objections, if any, regarding the cases filed by email/SMS/web hosting to the concerned Advocate/litigant in person. After the objections are cleared the case will be processed for listing and the Advocate/litigant in person will be informed including by email/SMS.

20. General Caution:

Email is not a secure medium of communication. Any communication transmitted by email can be intercepted or read by a third party. An Advocate or litigant in person seeking to transmit confidential or sensitive document/material, shall approach the Registry for requisite assistance/advice.

21. Repeal and Savings:

The Electronic Filing (E-filing) in the High Court of Madhya Pradesh Rules, 2020, published in the Madhya Pradesh Gazette dated 19.06.2020 [Part-4 (Ga)] is hereby repealed:

Provided that, any order already made under the Repealed Rules shall continue in force and be deemed to have been made under the provisions of these Rules:

Provided further that, any action taken or proceedings started under the repealed Rules and pending at the commencement of these Rules shall be continued and disposed of as far as may be, in accordance with the provisions of these Rules.

Appendices

APPENDIX --I	Screenshots showing the procedure for accessing the on-line portal, electronic filing of documents and list of Designated Counters.
APPENDIX --II	Screenshots showing the procedure for registration.
APPENDIX ---III	Screenshots showing the procedure for converting a document into an OCR searchable PDF.
APPENDIX ---IV	Screenshots showing the procedure for appending single or multiple digital signatures.
APPENDIX --V	Screenshots showing the procedure for book-marking.
APPENDIX --VI	Screenshots showing the procedure for filing Caveat.